

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

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

**REGULAR MEETING OF MAY 18, 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 Larry McCallon for his LAFCO Service as City Member, James Curatalo for his LAFCO Service as Special Districts Member, and Dieter Dammeier for his LAFCO Service as Alternate Public Member
2. Swear in Regular and Alternate Special District and City Commissioners
3. [Reappointment of Regular Public Member](#)
4. [Interview and Select Alternate Public Member](#)
5. [Selection of Chair and Vice Chair](#)

**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.

6. [Approval of Minutes for Regular Meeting of March 16, 2022](#)
7. [Approval of Executive Officer's Expense Report](#)
8. [Ratify Payments as Reconciled and Note Cash Receipts for Months of February and March 2022](#)
9. [Note Receipt of Proposal - - LAFCO 3258 – Reorganization to Include Annexation to the City of San Bernardino, San Bernardino County Fire Protection District and its Valley Service Zone, and Detachment from City of Redlands](#)
10. Consent Items Deferred for Discussion

**PUBLIC HEARING ITEMS:**

11. [Consideration of: \(1\) Review of Mitigated Negative Declaration prepared by the County of San Bernardino for a Conditional Use Permit, Tentative Parcel Map, and Zone Amendment for a Commercial/Retail Center to include a 7-Pump Truck Fueling Canopy, an 8-Pump Auto Fueling Canopy, a 9,900 Sq. Ft. Convenience Store, a 3,000 Sq. Ft. Quick Service Drive-thru Restaurant and a 2,800 Sq. Ft. Quick Service Drive-thru Restaurant on approximately 8.9 acres, as CEQA Responsible Agency for LAFCO SC#484; and \(2\) LAFCO SC#484 – City of Rialto Extraterritorial Wastewater Service Agreement \(Chandi Enterprises, LLC\)](#)

12. [Consideration of: \(1\) CEQA Statutory Exemption for Schedule of Fees, Deposits and Charges Revisions; and \(2\) Review and Adoption of Schedule of Fees, Deposits, and Charges Effective July 1, 2022](#)
13. [Review and Consideration of Amendments to Policy and Procedure Manual Section III – Human Resources](#)
14. [Review and Adoption of Final Budget for Fiscal Year 2022-23 including the Apportionment for Independent Special Districts, Cities and the County](#)

**DISCUSSION ITEMS:**

15. [Third Quarter Financial Review for FY 2021-22 including Increase in Appropriation to Legal Counsel Account](#)

**INFORMATION ITEMS:**

16. Legislative Update Report

17. [Executive Officer's Report](#)

18. 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.)

19. 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, on the LAFCO website at [www.sbclafco.org](http://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](http://www.fppc.ca.gov) or at 1-866-ASK-FPPC (1-866-275-3772).

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

1/12/21:as



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3<sup>rd</sup> Street, Unit 150 San Bernardino, CA 92415-0490  
(909) 388-0480 • Fax (909) 388-0481  
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[www.sbclafco.org](http://www.sbclafco.org)

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**DATE:** MAY 11, 2022

**FROM:** SAMUEL MARTINEZ, Executive Officer 

**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #3 – REAPPOINTMENT OF REGULAR PUBLIC  
MEMBER OF THE COMMISSION**

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The term of office for the (regular) Public Member of the Commission expires on the first Monday in May 2022. Pursuant to Commission policy, the staff published a 30-day period notice (from March 8 to April 7, 2022) for interested persons to submit an application for the position of Regular Public Member of the Commission.

During that period, only one application was submitted for the position, by incumbent Jim Bagley, who seeks reappointment to his current position. A copy of his letter of application including his resume is attached for Commission review.

Even though there is a single candidate, the statutory process requires that the candidate must receive four votes and that neither the Public Member nor Alternate Public Member may vote. Further, state law requires that the successful candidate must receive at least one affirmative vote from each of the three other membership categories on the Commission – county, city and special district. Therefore, an official vote will be required for this position.

Once completed, the (regular) Public Member will serve a new four-year term expiring in May 2026.

Staff will be happy to answer any questions at the hearing.

Attachment

**Jim Bagley**

Twentynine Palms, California 92277-0219

March 15, 2022

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

**RECEIVED**

**MAR 16 2022**

**LAFCO**  
**San Bernardino County**

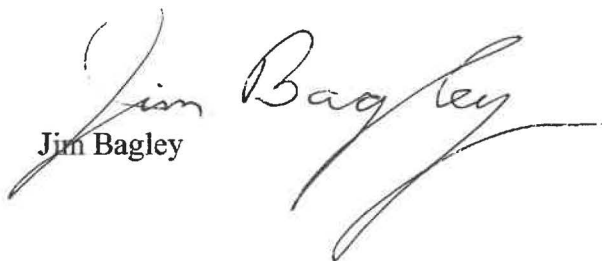
Re: Application to service as the voting public member for the San Bernardino County Local Agency Formation Commission

Members of the Commission

With this letter I would like to request reappointment as the public member to the Local Agency Formation Commission (LAFCO). My history with LAFCO goes back to my time as a special district water board member in the 1980's with major annexations and the incorporation of the City of Twentynine Palms in 1987. Over the years I have been involved with the LAFCO procedures as both an applicant and as a commission member. As the public member I bring this unique perspective to the public hearing meeting process.

I have the time and commitment to serve as an involved member of the commission and respectfully ask for your support. As a long-term commissioner I wish to continue serving with my institutional knowledge and diversified experience. Attached is a brief resume of my professional and civic experience.

Thank you sincerely

  
Jim Bagley

# James R. Bagley

· [REDACTED] · Twentynine Palms, California 92277-0219 ·

### Professional Experience:

## Real Estate Broker: From 1981

Graduate, Realtors Institute of California, (GRI) 1992

e-Pro, Internet Real Estate Professional 2007

Owner/Broker Southwest Real Estate:

1990 to May 2000, I sold the company in 2000

## Commercial Pilot: From May 2000

### Certifications and Ratings:

Airline Transport Pilot: (ATP) Multi engine land

Commercial Privileges: Airplane multi & single engine land, seaplane, and glider

FAA Certified Flight Instructor: CFI, CFII, MEI, CFI, Advanced Ground

**Real Estate Specialist for the Department of Defense:** From August 2009 to September 2016

Community Plans and Liaison Office for the Marine Corps Base Twentynine Palms

Education:

University of California Los Angeles, BA - Political Science 1979

United State Senate Intern - Washington DC 1977

### Civic Experience:

**Local Agency Formation Commission, San Bernardino County:**

Public Member to May 2022

Alternate April 15, 2008 to May 19, 2010

Chairman 2021-2022, 2004, Vice-chair 2002, 2003

Elected City Representative 1997 to 2004

# Airport Commission for San Bernardino County

September 26, 2006 to January 31, 2026

Chairman 2019 Vice Chairman 2018 Chairman 2012, Vice Chairman 2011

## Hi-Desert Medical Center Governing Board

January 2020 to January 2024

**Bureau of Land Management's Desert District Advisory Council:**

General Public at Large

1990-1995, June 2019 to June 2022

## **Joshua Tree National Park Council for the Arts**

January 2020 to December 2023

## **Morongo Basin Search and Rescue**

Active volunteer since 2018

## **Twentynine Palms City Council:**

November 1992 to 2004

Mayor 2003, 2000, 1995 - Mayor Pro Tem 1999, 1994

## **San Bernardino County Associated Governments:**

President 2001 to 2002, Vice President 2000

Member, Administrative Committee 1995 to 2004

Desert/Mountain Area Measure I Committee Chairman 2000 to 2004, Vice-chair 1997 to 2000

## **California League of Cities:**

Board of Directors, 1997 to 2002

Desert Mountain Division President, 1996

Division Second Vice President, 1995

Environmental Quality Committee 1992 to 1996

Taxation and Revenue Committee 1996 to 2000

## **Southern California Association of Governments:**

San Bernardino County Desert Cities elected representative, 1995 to 2001

Aviation Task Force

Environmental Quality Committee

Implementation Committee

## **San Bernardino County Planning Commission:**

Desert Area Commissioner, 1986 to 1988

## **Twentynine Palms Water District Board of Directors:**

Chairman, Engineering Committee, 1985 to 1986

## **Chamber of Commerce of Twentynine Palms:**

President 1985

Treasurer 1984

Board of Directors 1983 to 1985

Morongo Basin Joint Chamber Representative 1985

## **Community Activities**

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### **Rotary Club:**

President 1989 to 1990

Paul Harris Fellow 1990

Foundation Chairman 1990 to 1996

Board of Directors 1987 to 1991

**Board of Realtors:**

Vice President 1993

District 28 Regional Multiple Listing Service Representative 1984 to 1993

Board of Directors, 1984 to 1985 - 1991 to 1993

Multiple Listing Service Chairman 1985, 1991 to 1993

**Twentynine Palms Historical Society:**

Old School House Museum, Chairman 1991 to 1995

**Mojave Water Agency Legislative Advisory Committee:**

Drafted Assembly Bill 1759 amending the agency law 1989

**Hi Desert Memorial Hospital Foundation**

Director 1995

**Friends of Copper Mountain College**

Individual Large Donor Program Committee 1985

**San Bernardino County's Citizens Advisory Committee**

Twentynine Palms General Plan Up-date 1986

**Citizens Committee for Quality Water and Fire Services**

Successful campaign for ballot Proposition J 1983

Twentynine Palms Water District

**Selective Service Board Member**

1990 to 2000

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**DATE:** MAY 11, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #4 – INTERVIEW AND SELECTION OF ALTERNATE  
PUBLIC MEMBER OF THE COMMISSION**

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In March 2022, the Commission was notified of the resignation of Alternate Public Member Dieter Dammeier as he had accepted a judge position with the State making him unable to continue to serve as the alternate public member. Pursuant to Commission policy, the staff published a thirty-day period notice (from April 12 to May 12, 2022) for interested persons to apply for the position of Alternate Public Member of the Commission.

At the time of writing this staff report, only one application was received – from Dr. Dwayne M. Williams Sr., a resident of the City of San Bernardino. A copy of his letter of application (email) and resume is attached for Commission review. If additional applications are submitted prior to the close of the filing period (May 12, 2022), staff will provide the Commission with a supplemental staff report outlining any additional applicants.

Staff invited the applicant to attend the Commission's May meeting and advised him that he will be asked to provide a brief oral presentation outlining his qualifications and reasons for his interest in this position. Other applicants, if any, will be made aware of these next steps as well.

The Commission may then make an appointment with the successful candidate sworn-in at the hearing, or it may defer action to the next meeting. Whoever is selected will serve the unexpired term of office for the Alternate Public Member, which ends on the first Monday in May 2024.

As noted previously, Commission's process for selection of the successful candidate requires that the candidate must receive four votes and that neither the Public Member nor Alternate Public Member may vote. Further, state law requires that the successful candidate must receive at least one affirmative vote from each of the three other membership categories on the Commission – county, city and special district.

Staff will be happy to answer any questions at the hearing.

Attachment

**Schell, Angela**

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**From:** Dr. Dwayne M. Williams [REDACTED]  
**Sent:** Thursday, May 5, 2022 7:08 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Alternate Public Member San Bernardino  
**Attachments:** DWilliams APM.docx  
**Sensitivity:** Personal  
**Categories:** Already Printed

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.**

LAFCO Representatives,

I found a posting for Alternate Public Member in San Bernardino and would like to apply. Unfortunately, I was unable to find an email address for submission. If possible, could you either provide me contact information or forward my resume for consideration?

Of note, I am a San Bernardino native that served nearly 20 years in the Army/National Guard. I was previously an Army officer with over 20 years of management experiences. I have a doctorate in business and a masters of management. I'm a father of 3 children and currently an executive at Target Corporation. I have a myriad of experience to share and I care about my community.

I have attached my resume for consideration. My contact information is below.

*Dr. Dwayne M. Williams Sr.*

[REDACTED]



# D WAYNE WILLIAMS SR.

San Bernardino, CA 92404

## PROFESSIONAL PROFILE

Seasoned former Army Officer with expertise in various areas of administration, management, and planning. Highly skilled in working in teams, meeting group objectives, and surpassing organizational expectations. Proven expertise in developing short-range and long-range plans to meet organizational goals. Reputation for establishing priorities, scheduling, and meeting deadlines through the skillful allocation of human and material resources.

## KEY QUALIFICATIONS

- Doctorate of Business
- Lean Six Sigma
- Masters of Management
- Continuous Process Improvement
- Talent Management/Coaching
- Strategic Planning
- Vendor and Staff Relations
- Governmental Legislation
- 20 years exp mgmt

## PROFESSIONAL EXPERIENCE

### **Target Corporation**

**2020 – Current**

Rialto, CA

**Operations Manager** – Responsible for 120 team members and 4 supervisors. Manages the daily operational throughout and delivery of progressional metrics. Serves as tenured operations manager of safety, training, and security. Partners with internal and external departments to ensure proper staffing and quality standards are met.

- Manages 3 departments with 120 team members to ensure operational objectives are met.
- Oversees 2 supervisors to resolve workplace conflict and team member concerns.
- Makes recommendations to technical, educational and training resources for team members.
- Assists with community gatherings and Diversity and Inclusion (D&I) events for the surrounding community.

### **Walgreens Corporation (Distribution Center)**

**2019 – Current**

Moreno Valley, CA

**Outbound Shipping Supervisor** – Responsible for managing the outbound shipping area, which includes daily productivity/output by monitoring Key Performance Indicators (KPIs); staff specific functions based on daily distribution center volume. Ensures accuracy and integrity of inventory/merchandise movement by monitoring SIMS/AS-400 system applications.

- Leads 65 team members in daily functions to include, unloading, loading, picking, and stocking, and receiving. Execution of tasks are monitored during traditional and high peak/high volume periods.
- Works with team member Lean representative, FMs, and IOs, to create and analyze 5s, cause and effect diagrams, 5 Whys, 4M, fishbone and Kaizens to eliminate waste and improve process variability.
- Tracks and manages team members using Walgreens Warehouse Management System (WMS).
- Acts as a liaison between team members and distribution managers to improve performance of KPIs while improving product flow and accuracy.

### **56<sup>th</sup> Multifunctional Medical Battalion**

Tacoma, WA

**2013 – 2018**

**Medical Logistics Operations Officer** – Responsible for all medical logistics operations for an organization consisting of 10 different companies. Responsible for planning, coordination, training, and all transportation requirements. Managed a 100 vehicle fleet, 2 warehouses, and over \$50 million of medical supplies.

- Planned, coordinated, and supervised multiple complex medical operations in various geographical areas.
- Coordinated inbound, outbound, and linehaul movement for deploying/redeploying organizations.
- Assisted in budgeting, forecasting, and profit and loss (P&L) reporting.
- Oversaw load planning and scheduling of routes to ensure balance of workload and budget management.
- Ensured that warehouse met OSHA, FDA, AID, HAZMAT, and ASI standards.

**47<sup>th</sup> Combat Support Hospital**

Tacoma, WA

**2012 - 2013**

**Assistant Operations Officer** – Responsible for operational planning and management of 2 support hospitals consisting of 23 separate sections.

- Assisted in the development of plans and coordinated training requirements for assigned missions.
- Deployed 10 units ensuring that all personnel were trained, equipment was prepared, and operational benchmarks were met.
- Planned, managed, and controlled monthly expenditures and maintained \$20,000 monthly budget through the use of financial software.
- Created, performed, and monitored safety training for over 900 employees on an annual basis.

**EDUCATIONAL BACKGROUND*****Northcentral University***

Prescott, AZ

**2007 – 2014** Doctorate of *Business Administration****Oakland City University***

Oakland City, IN

**2004 - 2006** Masters of Science in *Management***2002 to 2004** Bachelors of Science in *Human Resource Management***2000 to 2002** Associates of Science in *Criminal Justice/Business Administration***CERTIFICATIONS/TRAINING**

Lean Six Sigma Blackbelt

Acquisition (LVL I &amp; III)

Supervisor Development Course

Manager Development Course

Certified in Risk Management

Project Management (PMI)

Protection of Secret and Confidential Documents

Safety Officer Course

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**DATE :** MAY 11, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #5 – SELECTION OF CHAIR AND VICE-CHAIR**

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Pursuant to the Commission's Rule of Order #2, the Commission selects its Chair and Vice-Chair annually at the May hearing. The terms of office are for one year and the Chair and Vice-Chair may serve no more than two consecutive full terms in those offices.

Any regular voting member of the Commission may be appointed to these positions. It should be noted that Chair Bagley and Vice-Chair Warren are completing their first full term of office and are eligible for reappointment to their positions under current policies.

Staff will be happy to respond to any questions prior to or at the hearing.

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

**REGULAR MEETING**

**9:00 A.M.**

**MARCH 16, 2022**

**PRESENT:**

**COMMISSIONERS:**

Regular Member	Alternate Member
Larry McCallon	Rick Denison
Joe Baca, Jr.	Steven Farrell
James Bagley, Chair	
Kimberly Cox	
James Curatalo	
Curt Hagman	
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:**

**COMMISSIONERS:**

Dawn Rowe  
Dieter Dammeier (resigned)

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION  
– 9:07 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

**ANNOUNCEMENT OF CONTRIBUTIONS**

**1. PUBLIC COMMENTS ON CLOSED SESSION**

*No public comment was provided.*

**2. CONVENE CLOSED SESSION**

Conference Room Adjacent to Event Center Auditorium

*Prior to convening in closed session, Legal Counsel Paula de Sousa provides an oral announcement on the matters being discussed in closed session:*

Conference with Legal Counsel – Existing Litigation – (Government Code Section 54956.9(d)(1)) – C.O.M.E.T. (Citizens of Mentone Empowered Together) v. City of

Redlands et al, County of San Bernardino Superior Court Case No. CIVDS1906437

### **3. RECONVENE PUBLIC SESSION**

*Legal Counsel Paula de Sousa states there is no reportable action taken in Closed Session.*

*Chair Bagley directs the Clerk to recognize Commissioners Baca, Cox, Curatalo and Hagman who are now present at the dais.*

### **CONSENT ITEMS:**

#### **4. Approval of Minutes for Regular Meeting of February 16, 2022**

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

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card Purchases from January 23, 2022 to February 22, 2022.

#### **6. Ratify Payments as Reconciled and Note Cash Receipts for the Months of January 202**

Recommendation: Ratify payments as reconciled for the month of January 2022 and note revenue receipts for the same period.

#### **7. Consent Items Deferred for Discussion (None)**

*Commissioner Hagman asks to amend the February 16 minutes to include a statement that the applicant also made a campaign contribution as part of his conflict of interest related to Item 8. Commissioner Hagman moves the approval of the Consent Items, as amended. Second by Commissioner McCallon, with a requested correction of the misspelling of his name. The motion passes with the following roll call vote:*

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

### **PUBLIC HEARING ITEMS:**

#### **8. LAFCO SC#479 – City of San Bernardino Irrevocable Agreement to Annex No. 2021-367 for Sewer Service (APN 0262-022-07)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#479 by taking the following actions:

##### **1. For environmental review as 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 Minor Use Permit to establish a truck terminal—an overflow truck parking facility—on approximately seven 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#479 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number 0262-022-07; and,
  - 3. Adopt Resolution #3347 setting forth the Commission's determinations and approval of the agreement for sewer service outside the City of San Bernardino's boundaries

*Commissioner Baca moves approval of staff recommendations. Second by Commissioner Hagman. The motion passes with the following roll call vote:*

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

**9. LAFCO SC#480 – City of Montclair Irrevocable Agreement No. 21-86-I-107 for Sewer Service (APN 1012-411-51)**

Recommendation: Staff recommends that the Commission approve LAFCO SC#480 by taking the following actions:

- 1. For environmental review as 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 a Minor Use Permit to re-establish a previous land use approval to allow three developed buildings, to include a two-story 3,000 square-foot office building and two pre-fabricated metal buildings totaling 7,000 square feet on approximately 0.88-acres;
  - b. Determine that Commission has considered the minimal environmental effects caused by approval of the service extension request and finds the information substantiating the Notice of Exemption adequate for its authorization of the out-of-agency service agreement;
  - 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, Conditions of Approval were adopted, which are the responsibility of the County to implement; and,

- d. Direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC#480 authorizing the City of Montclair to extend sewer service outside its boundaries to Assessor Parcel Number 1012-411-51; and,
3. Adopt Resolution #3348 setting forth the Commission's determinations and approval of the agreement for sewer service outside the City of Montclair's boundaries

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

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

#### **10. Service Review for the Twentynine Palms Community (REMOVE FROM CALENDAR)**

Recommendation: Staff recommends that the Commission remove the Service Review for the Twentynine Palms Community from the calendar.

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

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

#### **11a. Preliminary Budget Review for Fiscal Year 2022-23:**

Recommendation: Staff recommends that the Commission take the following actions related to the Proposed Schedule of Fees, Deposits and Charges for Fiscal Year 2022/23:

1. Review the proposed amendments and provide staff with direction on changes, corrections, or modifications to be included.
2. Direct staff to forward the Proposed Schedule of Fees, Deposits, and Charges for FY 2022/23 to the County, all Cities/Towns, and all Independent Special Districts for their review and comments pursuant to Government Code Section 56383.
3. Schedule the final review and adoption of the Schedule of Fees, Deposits, and Charges for the May 18, 2022 hearing.

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



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

**11b. Proposed Budget and Work Plan for Fiscal Year 2022/23:**

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

1. Adopt the Proposed Budget and Work Plan for FY 2022/23 as presented by staff.
2. Direct staff to forward the adopted Proposed Budget, as may be modified at this hearing, to all the independent special district, all Cities/Towns, and the County for their comment pursuant to Government Code Section 56381
3. Schedule a public hearing for May 18, 20122 for formal:
  - a. Approval of the amendment to the Policy and Procedure Manual for Salaries and Benefits; and,
  - b. Adoption of the Final Budget for FY 2022/23
4. Authorize the Executive Officer to commence recruitment to fill a staff position due to the retirement of the LAFCO Clerk, not to exceed \$7,000 in total costs.

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

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

**DISCUSSION ITEM:**

**12. Legislation Update Report**

Recommendation: Staff recommends that the Commission:

1. Receive and file the Legislative Report;
2. Indicate its support for AB 2957 (Assembly Local Government Committee) related to the annual CALAFCO sponsored Omnibus bill;
3. Indicate its support for SB 938 (Hertzberg) which seeks to amend and consolidate the protest provisions; and,

4. Provide direction to staff on legislation of interest or future actions, if any, and authorize the Chairman to sign letters identifying these positions and direct staff to forward said letters to the appropriate recipients.

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

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

### **INFORMATION ITEMS:**

#### **13. Executive Officer's Oral Report**

Executive Officer Samuel Martinez states that the Commission will not have an April meeting and that the next meeting will be on May 18. He states that due to the cancelled CALAFCO staff workshop, the southern region LAFCOs are in the process of putting together a workshop for staff in the southern region, which will happen sometime in April.

He continues his report by stating that the Commission's strategic planning workshop will probably be scheduled for August pending finding someone to facilitate it. He concludes his report by reminding the Commission to submit their annual Form 700 before the April deadline.

Commissioner Farrell comments on the budget report in regards to the contract expiration date of 2023 for the Norton Regional Event Center facility. He states that he is pleased with the facility and asked the intentions of the Executive Officer, and if he intends to extend the contract. Mr. Martinez responds by stating that the contract is and has always been a two year contract that gets renewed every two years.

#### **14. Commissioner Comments**

Commissioner Warren announces that Pamela Miller, CALAFCO Executive Director needs our prayers and well wishes for her speedy recovery. Chair Bagley suggests that Executive Officer Martinez to send flowers and a note. He thanks Commissioner Warren for bringing this up to the Commission's attention.

Commissioner Farrell acknowledges that perhaps this is Commissioner Curatalo's last meeting. Commissioner Curatalo expresses his gratitude to serve on LAFCO and to represent the county of San Bernardino and special districts. He also comments that there were many commissioners that he had the pleasure and honor to serve with. He further comments that he has had the honor to serve as Chair on the Commission and he has valued the relationships the Commissioners have with one another as well as everything he has learned. He concludes his comments by wishing this the best for the Commission. He also acknowledges that Commissioner Farrell has put in for the Regular Voting member and expresses to him that he has been an excellent member as an alternate and that he will be successful and continue to do a great job if voted in

as the regular Special Districts Member. Commissioner Farrell responds that Commissioner Curatalo has inspired him and has been a great mentor. He further expresses his appreciation for the support, welcoming spirit and leadership that he has shown.

Chair Bagley thanks Mr. Curatalo for his service. Lastly, Commissioner Curatalo states his appreciation for Commissioner Cox's support as a partner representing Special Districts.

**15. Comments from the Public**

Dr. Denise Meek, representing, Save The Barstow Cemetery Group, provides concerns and complaints regarding the Barstow Cemetery Renovation.

Chair Bagley adjourns the meeting until the May 18 meeting.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:35 A.M.**

ATTEST:

\_\_\_\_\_  
ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

\_\_\_\_\_  
JIM BAGLEY, Chair

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3<sup>rd</sup> Street, Unit 150, San Bernardino, CA 92415-0490  
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www.sbclafco.org

---

**DATE :** MAY 6, 2022

**FROM:** SAMUEL MARTINEZ, Executive Officer 

**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT: AGENDA ITEM #7 – APPROVAL OF EXECUTIVE OFFICER'S  
EXPENSE REPORT**

---

## **RECOMMENDATION:**

Approve the Executive Officer's Expense Report for Procurement Card Purchases from February 23 to March 22, 2022 and March 23 to April 22, 2022.

## **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:

- February 23, 2022 to March 22, 2022; and,
- March 23, 2022 to April 22, 2022.

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

SM/AS

Attachment



## 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 <i>Samuel Martinez</i>	05/09/22


<b>Approving Official (Print &amp; Sign)</b>	<b>Date</b>
Jim Bagley	05/18/22

<b>Approving Official (Print &amp; Sign)</b>	<b>Date</b>
<b>Jim Bagley</b>	<b>05/18/22</b>

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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---

DATE : MAY 11, 2022   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

---

SUBJECT: AGENDA ITEM #8 - RATIFY PAYMENTS AS RECONCILED FOR  
THE MONTHS OF FEBRUARY AND MARCH 2022 AND NOTE  
REVENUE RECEIPTS

---

## **RECOMMENDATION:**

Ratify payments as reconciled for the months of February and March 2022 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 period of:

- February 1 through February 28, 2022
- March 1 through March 31, 2022



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

SM/MT

Attachment





FEBRUARY 2022 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1901170504	5200 2085	02/02/22	Daily Journal	B3548536	Daily Journal Inv B3548536 The Sun NOH	\$ 646.80	
1901170501	5200 2090	02/02/22	Jan-Pro	80956	Jan-Pro Cleaning Systems Inv 80956 Month Feb 2022	\$ 490.00	
1901186029	5200 2180	02/28/22	So Cal Edison	6433-3/2022	Cust Acct 700099666433/Svc Acct 8002108287	\$ 468.87	
1901172829	5200 2315	02/07/22	Storetrieve	0172200	SvcPeriod 01/01/22 - 01/31/22	\$ 64.37	
1901177655	5200 2400	02/14/22	Best, Best, & Krieger	926396	BBK Matter	\$ 2,101.56	
1901177657	5200 2400	02/14/22	Best, Best, & Krieger	926397	BBK Matter	\$ 3,835.97	
1901177659	5200 2400	02/14/22	Best, Best, & Krieger	926398	BBK Matter	\$ 485.70	
1901177660	5200 2400	02/14/22	Best, Best, & Krieger	926399	BBK Matter	\$ 2,016.00	
1901171218	5200 2445	02/03/22	Inland Empire RCD	# 3	IERCD SALC Invoice # 3	\$ 4,622.50	
1901171267	5200 2445	02/03/22	Curatalo	CURATALO2-2-2022	Southern Region of CALAFCO meeting on 1/31/2022	\$ 200.00	
1901171268	5200 2445	02/03/22	Warren	WARREN2-2-2022	Southern Region of CALAFCO meeting on 1/31/2022	\$ 200.00	
1901179705	5200 2445	02/16/22	Baca	BACA2-16-22	Baca Comm Stipend for 2/16/22 meeting	\$ 200.00	
1901179707	5200 2445	02/16/22	Bagley	BAGLEY2-16-22	Bagley Comm Stipend for 2/16/22 meeting	\$ 301.79	
1901179709	5200 2445	02/16/22	Cox	COX2-16-22	Cox Commission Stipend for 2/16/22 meeting	\$ 269.03	
1901179712	5200 2445	02/16/22	Curatalo	CURATALO2-16-22	Curatalo Commissioner Stipend for 2/16/22 mtg	\$ 228.08	
1901179716	5200 2445	02/16/22	Denison	DENISON2-16-22	Denison Commissioner Stipend for 2/16/22 meeting	\$ 277.68	
1901179719	5200 2445	02/16/22	Hagman	HAGMAN2-16-22	Hagman Comm Stipend for 2/16/22 meeting	\$ 200.00	
1901179723	5200 2445	02/16/22	McCallon	MCCALL2-16-22	McCallon Comm Stipend for 2/16/22 meeting	\$ 200.00	
1901179726	5200 2445	02/16/22	Warren	WARREN2-16-22	Warren Comm Stipend for 2/16/22 meeting	\$ 222.93	
1901177654	5200 2895	02/14/22	Konica Minolta	39309719	Inv 39309719 Cust No. 1814306	\$ 72.24	
1901177654	5200 2895	02/14/22	Konica Minolta	39309719	Inv 39309719 Cust No. 1814306	\$ 365.38	
<b>TOTAL</b>						<b>\$ 17,468.90</b>	
FEBRUARY 2022 COUNTY TRANSFERS PROCESSED							
4102223098	5200 2031	02/01/22	IT		JAN 2022 Payroll System Services (EMACS)	\$ 54.40	
4102223099	5200 2032	02/01/22	IT		JAN 2022 Virtual Private Network (VPN)	\$ 13.20	
4102223101	5200 2037	02/01/22	IT		JAN 2022 Dial Tone	\$ 255.06	
4102223104	5200 2322	02/01/22	IT		JAN 2022 Enterprise Printing (EMACS)	\$ 7.56	
4102223110	5200 2420	02/01/22	IT		JAN 2022 Wireless Device (Exchange Active Sync)	\$ 17.59	
4102223111	5200 2421	02/01/22	IT		JAN 2022 Desktop Support Services	\$ 1,069.20	
4102223105	5241 2410	02/01/22	IT		IT Infrastructure - Period 8	\$ 556.00	
4102223108	5241 2417	02/01/22	IT		Enterprise Content Management - Period 8	\$ 154.00	
4102223109	5241 2418	02/01/22	IT		Storage Tier 3 - Period 8	\$ 192.00	
4102223109	5241 2418	02/01/22	IT		Storage Tier 1 - Period 8	\$ 151.00	
4200091736	5200 2424	02/18/22	Clerk to the Board		NOD - LAFCO SC#478	\$ 50.00	
4200091494	5200 2424	02/22/22	Clerk to the Board		NOE - LAFCO SC#482	\$ 50.00	
4200091530	5200 2445	02/22/22	Auditor		Tax processing by County Auditor	\$ 999.60	
4200091032	5200 2310	02/03/22	Mail		Mail Services - DEL	\$ 130.00	
4200091034	5200 2310	02/03/22	Mail		Mail Services - FLAT	\$ 36.05	
4200091035	5200 2310	02/03/22	Mail		Mail Services - HAN	\$ 704.41	
4200091318	5200 2415	02/09/22	Admin Office		COWCAP-QTR3	\$ 863.50	

<b>TOTAL</b>						\$	-
<b>FEBRUARY 2022 CASH RECEIPTS</b>							
04941050700	various		02/08/22	City of San Bern.		SC #479	\$ 3,480.00
04941050700	4070 9800		02/08/22	City of San Bern.		SC #482	\$ 560.00
<b>TOTAL</b>						\$	<b>4,040.00</b>
<b>FEBRUARY 2022 COUNTY TRANSFERRED RECEIVED</b>							
<b>TOTAL</b>		NONE				\$	-
COMPLETED BY: MICHAEL TUERPE				APPROVED BY: SAMUEL MARTINEZ			
		Senior Analyst				Executive Officer	
		Date: 5/11/2022				5/11/2022	



# MARCH 2022 PAYMENTS PROCESSED

Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount
1901200208	5200 2041	03/17/22	Century Link	284529477	Phone Conference	\$ 42.87
1901207819	5200 2085	03/29/22	Daily Journal	B3561525	Daily Journal Notice of Vacancy The Sun	\$ 215.60
1901207825	5200 2085	03/29/22	Daily Journal	B3557337	Daily Journal Notice of Hearing for March The Sun	\$ 510.40
1901188143	5200 2090	03/02/22	Jan Pro	81421	Jan Pro for Janitorial Service: Mo. of March 2022	\$ 490.00
1901210313	5200 2090	03/31/22	City Comm	UNIT: 150	HVAC maintenance	\$ 372.00
1901200211	5200 2180	03/17/22	So Cal Edison	6433-3/31/22	Electricity	\$ 457.51
1901192675	5200 2315	03/08/22	Storetrieve	0174135	File Storage	\$ 64.37
1901207836	5200 2400	03/29/22	Best, Best, & Krieger	929936	BBK Matter	\$ 1,700.56
1901207840	5200 2400	03/29/22	Best, Best, & Krieger	929937	BBK Matter	\$ 5,413.69
1901207844	5200 2400	03/29/22	Best, Best, & Krieger	929938	BBK Matter	\$ 223.10
1901207845	5200 2400	03/29/22	Best, Best, & Krieger	929939	BBK Matter	\$ 756.00
1901186385	5200 2405	03/01/22	Davis Farr LLP	11421	Annual Audit	\$ 8,300.00
1901186386	5200 2424	03/01/22	Tom Dodson	LAFCO 22-1	Environmental Review	\$ 4,040.00
1901207394	5200 2424	03/28/22	Tom Dodson	LAFCO 22-2R	Environmental Review	\$ 1,542.50
1901210310	5200 2424	03/31/22	Tom Dodson	LAFCO 22-3	Environmental Review	\$ 200.00
1901200210	5200 2444	03/17/22	Bay Alarm	38567322203041	Office Alarm	\$ 123.00
1901186578	5200 2445	03/01/22	Robert Aldrich	# 15	Staff support	\$ 2,250.00
1901179701	5200 2445	03/15/22	Event Design Lab	03674	Live Stream Broadcast Package w/Captioning Event	\$ 750.00
1901179729	5200 2445	03/15/22	Event Design Lab	03676	Live Stream Broadcast Package for Feb 16 mtg	\$ 750.00
1901199781	5200 2445	03/16/22	Bagley	BAGLEY3-7-2022	Admin Committee Mtg on 3-7-22	\$ 200.00
1901199784	5200 2445	03/16/22	McCallon	MCCALL3-7-2022	Admin Committee Mtg on 3-7-22	\$ 200.00
1901199786	5200 2445	03/16/22	Warren	WARREN3-7-2022	Admin Committee Mtg on 3-7-22	\$ 200.00
1901199790	5200 2445	03/16/22	Baca	BACA3-16-22	Baca Comm Stipend for 3/16/22 meeting	\$ 200.00
1901199796	5200 2445	03/16/22	Bagley	BAGLEY3-16-22	Bagley Comm Stipend for 3/16/22 meeting	\$ 200.00
1901199804	5200 2445	03/16/22	Cox	COX3-16-22	Cox Commission Stipend for 3/16/22 meeting	\$ 200.00
1901199807	5200 2445	03/16/22	Curatalo	CURATALO3-16-22	Curatalo Commissioner Stipend for 3/16/22 mtg	\$ 200.00
1901199809	5200 2445	03/16/22	Denison	DENISON3-16-22	Denison Commissioner Stipend for 3/16/22 meeting	\$ 200.00
1901199812	5200 2445	03/16/22	Farrell	FARRELL3-16-22	Farrell Comm Stipend 3/16/2022 mtg	\$ 200.00
1901199815	5200 2445	03/16/22	Hagman	HAGMAN3-16-22	Hagman Comm Stipend for 3/16/22 meeting	\$ 200.00
1901199816	5200 2445	03/16/22	McCallon	MCCALL3-16-22	McCallon Comm Stipend for 3/16/22 meeting	\$ 200.00
1901199817	5200 2445	03/16/22	Warrant	WARREN3-16-22	Warren Comm Stipend for 3/16/22 meeting	\$ 200.00
1901207397	5200 2445	03/28/22	Event Design Lab	03681	Live Stream Broadcast for March 16 mtg	\$ 750.00
1901192676	5200 2895	03/08/22	Konica Minolta	39510039	Copier	\$ 84.05
1901192676	5200 2895	03/08/22	Konica Minolta	39510039	Copier	\$ 365.38
1901197392	5200 2905	03/14/22	City Comm	150	City Comm Payment for CAM	\$ 5,724.15
1901210313	5200 2905	03/31/22	City Comm	UNIT: 150	City Comm Lease Payment Inv date 3/25/22	\$ 6,593.40
1901210313	5200 2905	03/31/22	City Comm	UNIT: 150	City Comm Lease Payment Inv date 3/25/22	\$ 8,464.50
1901199796	5294 2940	03/16/22	Bagley	BAGLEY3-16-22	Bagley Comm Stipend for 3/16/22 meeting	\$ 101.79
1901199804	5294 2940	03/16/22	Cox	COX3-16-22	Cox Commission Stipend for 3/16/22 meeting	\$ 69.03
1901199807	5294 2940	03/16/22	Curatalo	CURATALO3-16-22	Curatalo Commissioner Stipend for 3/16/22 mtg	\$ 28.08
1901199809	5294 2940	03/16/22	Denison	DENISON3-16-22	Denison Commissioner Stipend for 3/16/22 meeting	\$ 77.68
1901199812	5294 2940	03/16/22	Farrell	FARRELL3-16-22	Farrell Comm Stipend 3/16/2022 mtg	\$ 21.41

1901199817	5294	2940	03/16/22	Warren	WARREN3-16-22	Warren Comm Stipend for 3/16/22 meeting	\$	22.93
<b>TOTAL</b>							\$	<b>52,904.00</b>
<b>MARCH 2022 COUNTY TRANSFERS PROCESSED</b>								
4102259189	5200	2031	03/01/22	IT		FEB 2022 Payroll System Services (EMACS)	\$	54.40
4102259170	5200	2032	03/01/22	IT		FEB 2022 Virtual Private Network (VPN)	\$	13.20
4102259190	5200	2037	03/01/22	IT		FEB 2022 Dial Tone	\$	255.06
4102242273	5200	2305	03/01/22	Purchasing		7350872718000001	\$	25.71
4102259174	5200	2322	03/01/22	IT		FEB 2022 Enterprise Printing (EMACS)	\$	8.19
4102259191	5200	2420	03/01/22	IT		FEB 2022 Wireless Device (Exchange Active Sync)	\$	17.59
4102259192	5200	2421	03/01/22	IT		FEB 2022 Desktop Support Services	\$	1,069.20
4102259175	5241	2410	03/01/22	IT		IT Infrastructure - Period 9	\$	556.00
4102259178	5241	2417	03/01/22	IT		Enterprise Content Management - Period 9	\$	154.00
4102259179	5241	2418	03/01/22	IT		Storage Tier 3 - Period 9	\$	192.00
4102259179	5241	2418	03/01/22	IT		Storage Tier 1 - Period 9	\$	151.00
4102242273	5540	5012	03/01/22	Purchasing		7350872718000001	\$	214.26
4200092499	5200	2424	03/08/22	Clerk to the Board		NOE - LAFCO SC#483	\$	50.00
4200092427	5200	2424	03/09/22	Clerk to the Board		NOE - LAFCO SC#481	\$	50.00
4200093247	5200	2424	03/22/22	Clerk to the Board		NOE - LAFCO SC#480	\$	50.00
4200093249	5200	2424	03/22/22	Clerk to the Board		NOD - LAFCO SC#479	\$	50.00
4200092581	5200	2310	03/02/22	Mail		Mail Services - DEL	\$	123.50
4200092582	5200	2310	03/02/22	Mail		Mail Services - FLAT	\$	11.68
4200092583	5200	2310	03/02/22	Mail		Mail Services - HAN		846.94
4200093227	5200	2323	03/16/22	Purchasing		N1719 - #10 Regular ENV Blue ink	\$	174.00
<b>TOTAL</b>							\$	<b>1,020.94</b>
<b>MARCH 2022 CASH RECEIPTS</b>								
4102280422	4070	9660	03/28/22	I-10 Corridor LLC		Cost Recovery LAFCO 3251	\$	15.47
4102280422	4070	9800	03/28/22	Montclair		SC #481	\$	560.00
4102280422	4070	9800	03/28/22	Redlands		SC #483	\$	560.00
4102280422	4085	9930	03/28/22	CALAFCO		CALAFCO return workshop fees	\$	720.00
<b>TOTAL</b>							\$	<b>575.47</b>
<b>MARCH 2022 COUNTY TRANSFERRED RECEIVED</b>								
<b>TOTAL</b>				NONE			\$	-
<div> <div>COMPLETED BY: MICHAEL TUERPE Senior Analyst</div> <div>  </div> <div>APPROVED BY: SAMUEL MARTINEZ Executive Officer</div> <div>  </div> </div>								
			Date: 5/11/2022			5/11/2022		

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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www.sbclafco.org

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**DATE:** MAY 11, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #9: Note Receipt of Proposal - - LAFCO 3258 –  
Reorganization to Include Annexation to the City of San Bernardino,  
San Bernardino County Fire Protection District and its Valley Service  
Zone, and Detachment from City of Redlands

---

The Inland Valley Development Agency submitted an application for a reorganization that proposes to detach an approximately 6.27-acre area from the City of Redlands and annex said area to the City of San Bernardino and to the San Bernardino County Fire Protection District and its Valley Service Zone. The reorganization area generally includes the east half of Mountain View Avenue Bridge and the underlying riverbed area (portions of APNs 0292-011-37 and 42) along Mountain View Avenue north of San Bernardino Avenue. The purpose of the reorganization is to place the entirety of the bridge and the adjacent riverbed/channel area within the City of San Bernardino and the San Bernardino County Fire Protection District's jurisdiction.

Government Code Section 56751 requires that any proposal submitted for detachment from a city must be placed on the next available Commission agenda for information purposes only. This section also sets in motion a supplemental process for a city detachment. The law establishes a 60-day time period in which the City may transmit a resolution requesting termination of the proceedings. If such a resolution is received within the 60-day time period as of the May 18 meeting date (prior to July 18, 2022), the Commission is required to terminate LAFCO 3258.

In addition, Government Code Section 56857(a) requires that any application involving annexation to a special district that has not been initiated by resolution of the district shall also be placed on the next available Commission agenda. Similarly, this section also sets in motion a 60-day time period in which a district to which annexation is proposed may transmit a resolution requesting termination of the proceedings that include findings related to financial or service related concerns. If such a resolution is received within the 60-day time period as of the May 18 meeting date (prior to July 18, 2022), the Commission is also required to terminate LAFCO 3258.

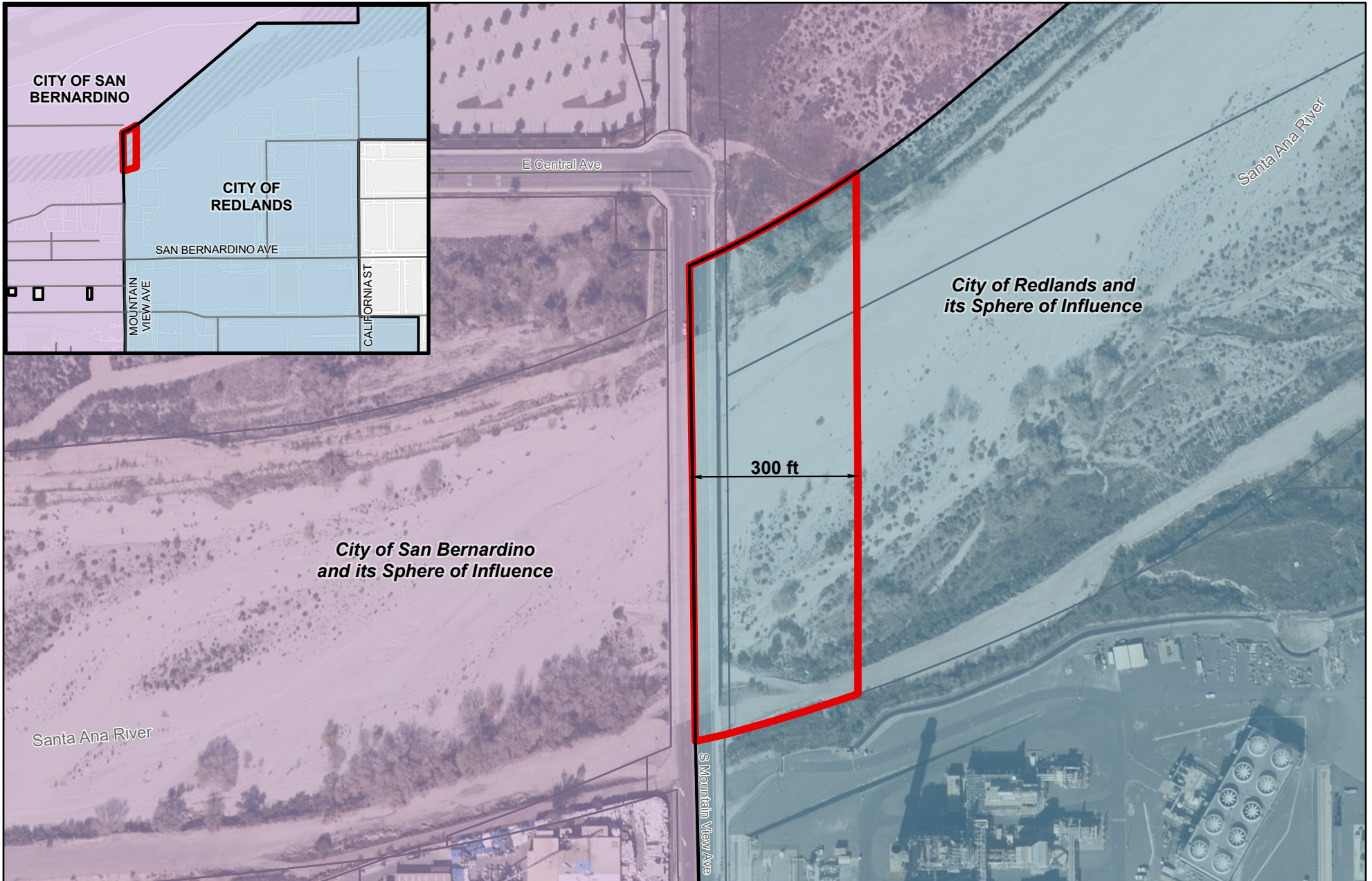
A map of the proposed reorganization is included as an attachment to this report.

No action is required of the Commission other than to note receipt of the application, LAFCO 3258.


Attachments:


- 1 -- [Vicinity Map of Reorganization Area](#)
- 2 -- [Application Submitted by the Inland Valley Development Agency](#)







**LAFCO 3257 - Sphere of Influence Amendment for City of San Bernardino (expansion), San Bernardino County Fire Protection District(expansion), and City of Redlands (reduction)**

 Sphere Amendment/Reorganization Area

 City Spheres of Influence

 City of Redlands

 City of San Bernardino

**LAFCO 3258 - Reorganization to Include Annexation to the City of San Bernardino, San Bernardino County Fire Protection District, its Valley Service Zone and its Zone FP-5, and Detachment from City of Redlands**



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

0 0.04 0.07 Miles





**RESOLUTION NO.2022-01**

**RESOLUTION OF THE INLAND VALLEY DEVELOPMENT AGENCY REQUESTING THE  
LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR  
AMENDEMENTS AND THE REORGANIZATION OF TERRITORY BETWEEN THE CITY OF  
SAN BERNARDINO, THE SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT,  
AND THE CITY OF REDLANDS, AS MORE SPECIFICALLY DESCRIBED BELOW:**

**WHEREAS**, the Inland Valley Development Agency (the "IVDA") is a joint powers authority duly established by the legislative bodies of the County of San Bernardino, the City of San Bernardino, the City of Loma Linda, and the City of Colton (collectively, the "Members") pursuant to California Government Code Section 6500, et seq.; and;

**WHEREAS**, the IVDA wishes 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:

- Annexation to the City San Bernardino (expansion) and the San Bernardino County Fire Protection District and its Service Zones (expansion), and detachment from the City of Redlands (reduction).

**WHEREAS**, a description and a map of the area proposed amendments and reorganization is attached hereto as Exhibits "A" and by this reference incorporated herein; and,

**WHEREAS**, the propose reorganization consists of amendments to the City of San Bernardino (expansion), the San Bernardino County Fire Protection District (expansion) and City of Redlands (reduction); and,

**WHEREAS**, the IVDA requests that the proposed amendments/reorganization be subject to the standard terms and conditions imposed by the Local Agency Formation Commission;

WHEREAS, the reasons for the proposed amendments/reorganization, the City of Redlands has requested to be detached from the east portion of the Mountain View Avenue Bridge and to have the whole bridge annexed to the City of San Bernardino incorporated territory.; and,

- a) To provide that the IVDA shall remain responsible for the performing all maintenance and repair of the bridge following the annexation of the entire bridge into the City of San Bernardino incorporated territory.

**NOW THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD AS THE GOVERNING BODY OF THE INLAND VALLEY DEVELOPMENT AGENCY, AS FOLLOWS:**

Section 1. This Resolution of Application is hereby adopted and approved by the IVDA, and the Local Agency Formation Commission for San Bernardino County is hereby requested to take proceedings for the amendments/reorganization 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 IVDA Board 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 Chief Executive Officer of IVDA is hereby directed and authorized to execute, on behalf of the IVDA, the justification for proposal and supplemental forms for the amendments/reorganization.

Section 4. That the IVDA Clerk of the Board shall certify to the passage and adoption of this resolution and is hereby authorized and directed to file, or cause to be filed, a certified copy of this Resolution with the Executive Officer of the Local Agency Formation Commission for San Bernardino County.

**[SIGNATURE PAGE TO FOLLOW]**

PASSED, APPROVED AND ADOPTED this 9<sup>th</sup> day of February 2022 by the following vote:

**MOTION: DUPPER**

**SECOND: NAVARRO**

**AYES:** DUPPER, HAGMAN, NAVARRO, ROWE, SANCHEZ, SHORETT, SUCHIL, VALDIVIA

**NOES:**

**ABSENT:**

**ABSTAIN:**

  
\_\_\_\_\_  
John Valdivia, Co-Chair  
Inland Valley Development Agency

  
\_\_\_\_\_  
Isaac Suchil, Co-Chair  
Inland Valley Development Agency

(SEAL)

Attest:

  
\_\_\_\_\_  
Clerk of the Board  
Inland Valley Development Agency

I, Jennifer Farris, Clerk of the Board of the Inland Valley Development Agency (IVDA) do hereby certify that the foregoing Resolution No. 2022-01 was duly and regularly passed and adopted by the IVDA at a Regular meeting thereof, held on the 9th day of February, 2022, and that the foregoing is a full, true and correct copy of said Resolution and has not been amended or repealed.

(SEAL)

Attest:

  
\_\_\_\_\_  
Clerk of the Board  
Inland Valley Development Agency

Exhibit "A"

**LAFCO \_\_\_\_\_**  
**Annexation to The City of San Bernardino**


That portion of Section 18, Township 1 South, Range 3 West, S.B.M., in the County of San Bernardino, State of California, lying within the following described boundary:

Commencing at the intersection of Mountain View Avenue and the westerly prolongation of the north line of Parcel 1 of Parcel Map 15049 as per map recorded in Book 183 of Parcel Maps, pages 68 through 69 inclusive, records of said County, said point also being on the boundary line of the City of Redlands per LAFCO 2839D – City of Redlands Annexation No. 76D, also being the **Point of Beginning**:

1. Thence Northerly along Mountain View Avenue, as shown on said Parcel Map, 860.00 feet, more or less, to the North boundary line of the City of Redlands per LAFCO 1152;
2. Thence leaving said Mountain View Avenue, Northeasterly along a curve, and along said boundary line, a distance of 337.00 feet, more or less to a point that is parallel with and 300.00 feet Easterly, measured at right angles, from the centerline of Mountain View Avenue, as shown on said Parcel Map;
3. Thence leaving said boundary line, southerly, parallel with the centerline of Mountain View Avenue, a distance of 940.00 feet, more or less, to the North line of said Parcel 1 of Parcel Map 15049;
4. Thence leaving said parallel line, Southwesterly along a curve, and along said North line of said Parcel 1 of Parcel Map 15049, a distance of 320.00 feet, more or less, to the **Point of Beginning**.

Containing 6.27 Acres more or less

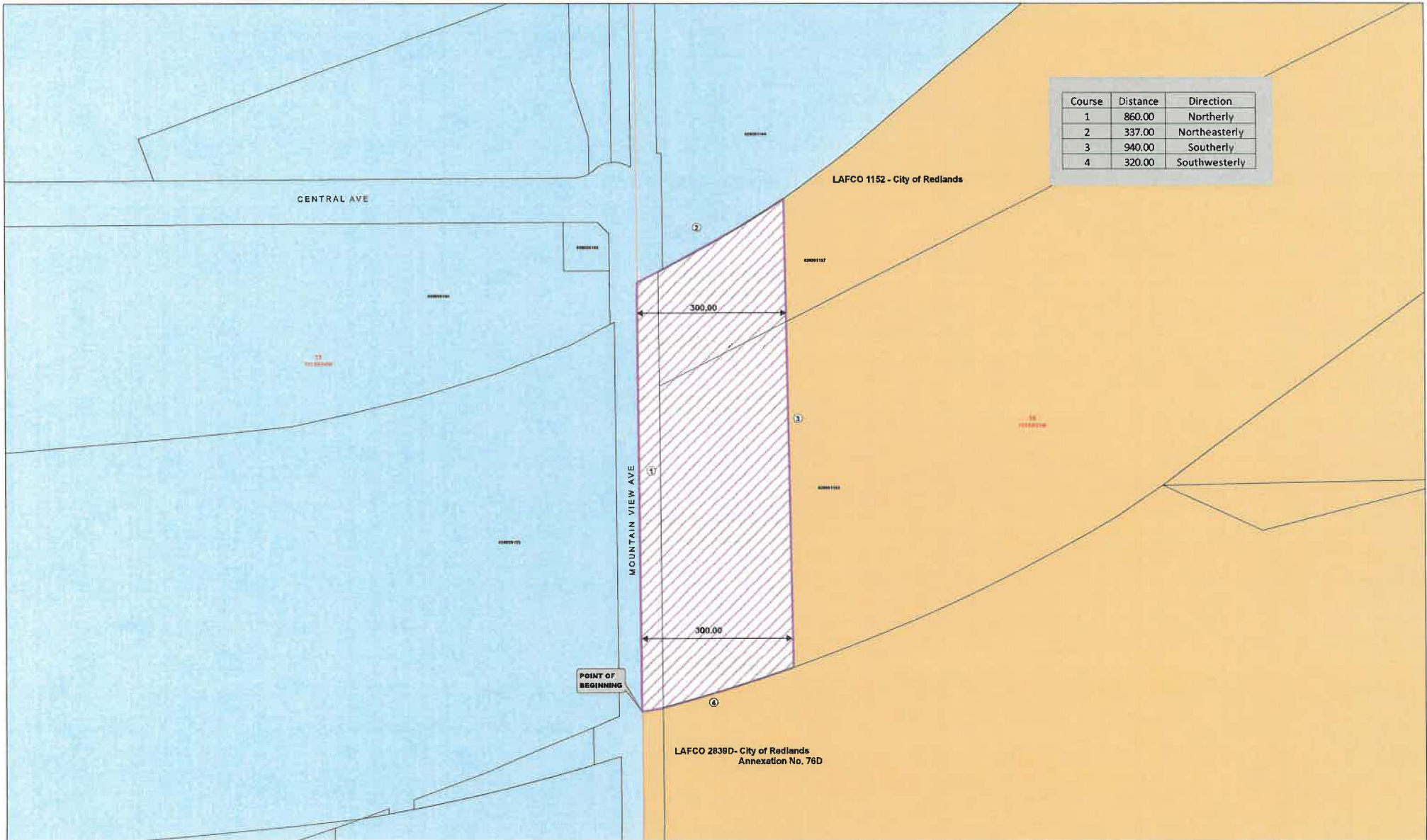
This legal description was prepared by me or under my direction.

 3/17/15  
\_\_\_\_\_  
Ryan S. Hunsicker                      Date

Deputy County Surveyor

PLS 8302, Expiration; December 31, 2015





Course	Distance	Direction
1	860.00	Northerly
2	337.00	Northeasterly
3	940.00	Southerly
4	320.00	Southwesterly



- Annexation Area Containing 5.27 Acres, More or Less
- Parcel
- Section Lines
- Course Number
- Assessor's Parcel Number
- Existing Boundary of The City of San Bernardino
- Existing Boundary of The City of Redlands

# **LAFCO** \_\_\_\_\_ Annexation to the City of San Bernardino

This Portion of Section 16, Township 1 South, Range 3 West, S.B.M., San Bernardino County, State of California.

0 40 80 160 Feet



THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION

8/17/2015

Ryan H. Hunsicker  
 Deputy County Surveyor  
 PLS 25527  
 Date  
 Exp. 12/31/2016  
 Job Number: 051712015



## 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 proposed project site to allow the San Bernardino LAFCO, its staff and others to adequately assess the project. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your project. 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: Mountain View Avenue Bridge Reorganization and Sphere of Influence Amendment: Reduction for City of Redlands; Expansion for City of San Bernardino; Reorganization to Include Annexation to San Bernardino; and Detachment from City of Redlands
2. NAME OF APPLICANT: Inland Valley Development Agency  
MAILING ADDRESS: 1601 E. Third Street, Suite 100, San Bernardino, CA 92408  
PHONE: ( 909 ) 382-4100  
FAX: ( 909 ) 382-4106  
E-MAIL ADDRESS: mbeltran@sbdairport.com
3. GENERAL LOCATION OF PROPOSAL: The Mountain View Avenue bridge extends from just north of the intersection of San Bernardino Avenue and Mountain View Avenue to the intersections of Central Avenue and Mountain View Avenue. Refer to attached Figure 1.
4. Does the application possess 100% written consent of each landowner in the subject territory?  
YES ☒ NO ☐ If YES, provide written authorization for change. **See attached Amendment**
5. Indicate the reasons that the proposed action has been requested. The City of Redlands has requested to be detached from the east side of the bridge and to have the whole bridge annexed to the City of San Bernardino incorporated territory.
6. 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.  
  

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**LAND USE AND DEVELOPMENT POTENTIAL**

1. Total land area (defined in acres):  
Area to be annexed to the City of San Bernardino and detached from City of Redlands is  
±6.27 acres.
2. Current dwelling units in area classified by type (Single Family detached, multi-family (duplex, four-plex, 10-unit), apartments)  
None
3. Approximate current population in area:  
None
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):  
The City of San Bernardino designates Mountain View Avenue as a secondary collector roadway  
between San Bernardino Avenue and Central Avenue. The Santa Ana River is designated as  
Public-Quasi Public.  
  
San Bernardino County General Plan designation(s) and uses permitted by this designation(s):  
N/A. County has no jurisdiction along the bridge alignment. The bridge is presently half in City of  
San Bernardino and half in City of Redlands; when annexation is completed the whole bridge will  
be located in San Bernardino.
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:  
The area proposed for Sphere of Influence modification and Reorganization is designated  
Public/Quasi Public due to the presence of the Santa Ana River floodplain at this location. Other  
than avoidance, no other special land use concern exists at this site. This site (bridge) already  
enhances regional transportation and this will not change in the future.
6. Indicate the existing land use.  
The area proposed for reorganization consists of the Mountain View Avenue Roadway, a  
Secondary Collector in the City of San Bernardino and Santa Ana River Floodplain.

What is the proposed land use?

Use will remain the same after reorganization.

7. For a city annexation, State law requires pre-zoning of the territory proposed for annexation. Provide a response to the following:

**The City of San Bernardino General Plan designates the reorganization area "roadway". It does not have any zone designations.**

- 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.

No pre-zoning proposed because the site consists of the Mountain View Avenue bridge and Santa Ana River floodplain and these uses will not be altered.

8. 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.

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9. 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>None known</u> |  |

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10. 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.

N/A

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11. Provide a narrative response to the following factor of consideration as identified in §56668(o): *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 proposed reorganization area is a roadway over the River floodplain that provides all area residents with better public north-south access. No environmental justice issues are noted.

**ENVIRONMENTAL INFORMATION**

1. Provide general description of topography. The Mountain View Avenue bridge crosses the Santa Ana River which has a very shallow slope (east to west) beneath the bridge; i.e., essentially flat.

2. Describe any existing improvements on the site as % of total area.

Residential	_____ %	Agricultural	_____ %
Commercial	_____ %	Vacant	_____ %
Industrial	_____ %	Other	<u>Roadway/Bridge 20%</u> %

3. Describe the surrounding land uses:

NORTH San Bernardino International Airport

EAST Santa Ana River Floodplain

SOUTH Industrial – Power Plant

WEST Santa Ana River Floodplain

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.).

No further site alterations are proposed on or to the bridge.

5. Will service extensions accomplished by this proposal induce growth on this site? YES \_\_\_\_

NO ☒ Adjacent sites? YES \_\_\_\_ NO \_\_\_\_ Unincorporated \_\_\_\_ Incorporated \_\_\_\_

6. Are there any existing out-of-agency service contracts/agreements within the area? YES \_\_\_\_

NO ☒ If YES, please identify.

7. Is this project a part of a larger project or series of projects? YES \_\_\_\_ NO ☒ If YES, please identify.

**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 City of Redlands TELEPHONE NO. (909) 798-7500

ADDRESS: 35 Cajon Street, Redlands, CA 92373

NAME City of San Bernardino TELEPHONE NO. (909) 384-5211

ADDRESS: 300 North "D" Street, San Bernardino, CA 92418

NAME Inland Valley Development Agency /  
San Bernardino Int'l Airport Authority TELEPHONE NO. (909) 382-4100

ADDRESS: 1601 E. Third Street, Suite 100, San Bernardino, CA 92408

**CERTIFICATION**

As a part of this application, the Inland Valley Development Agency, or the \_\_\_\_\_ district, \_\_\_\_\_ (the applicant) and/or the \_\_\_\_\_ (real party in interest: subject landowner and/or registered voter) agree to defend, indemnify, hold harmless, and release the San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, and expenses, including attorney fees. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I/We understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

As the proponent, I/We acknowledge that annexation to the city of San Bernardino or the \_\_\_\_\_ district 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 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

3/28/22

SIGNATURE OF APPLICANT

PRINTED NAME OF APPLICANT

TITLE

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. 8/15/2012

## 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 other to adequately assess the project. 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

City of San Bernardino

City of Redlands

San Bernardino County Fire Protection District (SBCFPD)

SBCFPD Valley Service Zone and Service Zone FP-5

2. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

None known

3. Will the territory be relieved of any existing special taxes, assessment, district charges or fees required by the agencies to be detached?

None known

4. 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.

Not Applicable. Proposed change will remove half of the Mountain View Avenue bridge  
from City of Redlands to City of San Bernardino. This reorganization does not  
involve any housing.

5. Will the territory be relieved of any existing special taxes, assessments, district charges or fees required by the agencies to be detached?

Not Applicable. The area includes right-of-way territory associated with the bridge/roadway along Mountain View Avenue as well as portions of flood control parcels.

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. **N/A**

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.

Not Applicable. The territory consists of a bridge and flood channel property.

8. PLAN FOR SERVICES: **SEE ATTACHED 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 Inland Valley Development Agency, or the \_\_\_\_\_ District/Agency, \_\_\_\_\_ (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 San Bernardino or the \_\_\_\_\_ 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 XIII C and XIII D 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 4/13/22

  
SIGNATURE

Michael Burrows  
Printed Name of Applicant or Real Property in Interest  
(Landowner/Registered Voter of the Application Subject Property)

Chief Executive Officer  
Title and Affiliation (if applicable)



## SUPPLEMENT SPHERE OF INFLUENCE

**INTRODUCTION:** The questions on this form are designed to obtain data about the specific sphere of influence change proposal to allow the Commission, staff and others to adequately assess the project. You may also include any additional information that you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please provide an identification of the agencies involved in the proposed sphere of influence change(s):

### SPHERE EXPANSION

City of San Bernardino  
San Bdn. County Fire Protection District  
Valley Service Zone, and Zone FP-5

### SPHERE REDUCTION

City of Redlands  
\_\_\_\_\_  
\_\_\_\_\_

2. Provide a narrative description of the following factors of consideration as outlined in Government Code Section 56425. (If additional room for response is necessary, please attach additional sheets to this form.)

The present and planned land uses in the area, including agricultural and open-space lands.

Present land use: Mountain View Avenue Bridge and Santa Ana River Floodplain  
(including main channel.

The present and probable need for public facilities and services in the area.

No public facilities or services anticipated. Maintenance of the whole bridge is currently  
carried out by the Inland Valley Development Agency (IVDA) and this will continue into the  
future.

The present capacity of public facilities and adequacy of public services that the agency to be expanded provides or is authorized to provide:

The City of San Bernardino is currently out of bankruptcy. The IVDA, the Agency with  
responsibility for bridge maintenance, has the long-term responsibility for maintenance  
and is well equipped to continue funding this maintenance requirement.

The existence of any social or economic communities of interest in the area.

None known.

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The present and probable need for public facilities or services related to sewers, municipal and industrial water, or structural fire protection for any disadvantaged unincorporated community, as defined by Govt. Code Section 56033.5, within the existing sphere of influence.

None.

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3. If the proposal includes a city sphere of influence change, provide a written statement of whether or not agreement on the sphere change between the city and county was achieved as required by Government Code Section 56425. In addition, provide a written statement of the elements of agreement (such as, development standards, boundaries, zoning agreements, etc.) (See Government Code Section 56425)

This Sphere of Influence (SOI) Amendment is between two cities (San Bernardino and Redlands). The City of Redlands has requested this SOI to relieve it of any responsibility for the Mountain View Avenue Bridge. The City of San Bernardino has agreed to the SOI based on the City of Redlands request.

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4. If the proposal includes a special district sphere of influence change not considered to be minor, provide a written statement: (a) specifying the function or classes of service provided by the district(s) and (b) specifying the nature, location and extent of the functions or classes of service provided by the district(s). (See Government Code Section 56425(i))

Not Applicable.

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5. For any sphere of influence amendment either initiated by an agency or individual, or updated as mandated by Government Code Section 56425, the following service review information is required to be addressed in a narrative discussion, and attached to this supplemental form (See Government Code Section 56430):

- a. Growth and population projections for the affected area. **None**
- b. Location and characteristics of disadvantaged unincorporated communities within or contiguous to the sphere of influence. **None**

- c. Present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies, including those associated with a disadvantaged unincorporated community. **None**
- d. Financial ability of agencies to provide services. **IVDA - City of Bernardino (see attached)**
- e. Status of, and opportunities for, shared facilities. **Not Applicable**
- f. Accountability for community service needs, including governmental structure and operational efficiencies. **Not Applicable**

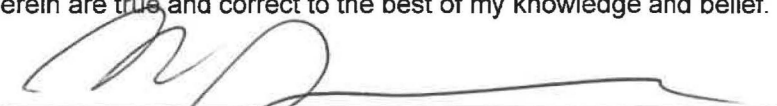
If additional sheet are submitted or a separate document provided to fulfill Item #5, the narrative description shall be signed and certified by an official of the agency(s) involved with the sphere of influence review as to the accuracy of the information provided. If necessary, attach copies of documents supporting statements.

### **CERTIFICATION**

As a part of this application, the Inland Valley Development Agency, or the \_\_\_\_\_ district, \_\_\_\_\_ (the applicant) and/or the \_\_\_\_\_ (real party in interest: subject landowner and/or registered voter) agree to defend, indemnify, hold harmless, and release the San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, and expenses, including attorney fees. The person signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I/We understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless and reimburse the Commission for all legal actions that might be initiated as a result of that approval.

I hereby certify that the statements furnished above and in the attached 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 3-28-12

  
SIGNATURE OF APPLICANT

Michael Burrows  
PRINTED NAME OF APPLICANT

Chief Executive officer  
TITLE

## **SUPPLEMENT SPHERE OF INFLUENCE CHANGE form**

- 1. City of San Bernardino/City of Redlands**
- 2. The area proposed for the Sphere of Influence change encompasses the new Mtn. View Avenue bridge and the Santa Ana River floodplain. The underlying land is designated Public Facility – Floodplain in both jurisdictions**

**Aside from future bridge maintenance, floodplain maintenance and random emergency services, the area encompassed by the Sphere change is not anticipated to require any public facilities or other services in the future.**

**The City of San Bernardino is currently a full service incorporated City. The Inland Valley Development Agency (IVDA) is the owner of the bridge and will continue to provide maintenance for the bridge once the Sphere change is accomplished**

**There are no known social or economic communities of interest in the area. The new bridge fulfills an important role as a major arterial on the San Bernardino General Plan Circulation Element. Installation of the Mtn. View Avenue bridge, which connects Mtn. View and Central Avenues (over the Santa Ana River), will serve to relieve traffic congestion on Tippecanoe Avenue about one-mile to the west.**

**The area encompassed by the Sphere change has no human occupants. The bridge is a concrete/steel structure that does not create any demand for facilities or services related to sewers, municipal and industrial water or structural fire protection related to any disadvantage unincorporated community.**

- 3. This proposal consists of a City Sphere of Influence change. Written agreement with the change is provided in Attachment 1 of this document. This proposed Sphere change will remove that portion of the Mtn. View Avenue bridge in the City of Redlands so that ownership and maintenance will be assigned to one City (San Bernardino) and the IVDA. This is solely a boundary change and no development standards or zoning agreements are included.**
- 4. No change in any special district Sphere is proposed by this Sphere change.**

**5a. None – not applicable**

**5b. None – not applicable**

**5c. Only service affected by this proposal is provision of random emergency service response and bridge maintenance in the future.**

**5d. Ask Sam and Mike what is needed to supply this information.**

**5e. None – not applicable**

**5f. None. No community will be affected by this proposed Sphere change; only a bridge and some floodplain.**

## **City of San Bernardino Annexation of Mountain View Avenue Bridge Plan for Services LAFCO ??**

### **Introduction**

The Inland Valley Development Agency is working with the City of San Bernardino to annex approximately 6.27 acres and detach a comparable amount of land underlying and adjacent to the Mountain (Mtn.) View Avenue Bridge (Bridge) over the Santa Ana River from the City of Redlands. The reorganization will also require annexation to the San Bernardino County Fire Protection District and its respective Service Zones. The annexation and detachment will be accomplished through a Reorganization that will be reviewed and considered by the County of San Bernardino Local Agency Formation Commission (LAFCO). The Reorganization must be accompanied by a companion expansion of the City of San Bernardino and San Bernardino County Fire Protection District's Spheres of Influence and a reduction of the City of Redlands' Sphere of Influence. The two cities have agreed to this proposed change in local jurisdiction. At the present time only one utility is provided to the existing Bridge: electricity. No water, wastewater, or natural gas utilities are provided or used in support of bridge operations and no school or park services are provide to the Bridge. Southern California Edison (SCE) supplies power for night lighting of the Bridge. The IVDA provides Bridge maintenance service. Under present circumstances the City of San Bernardino provides responses to emergency (law enforcement and fire protection and emergency response) service demands on the Bridge and the area proposed for Reorganization.

### **Detailed Discussion of Service Availability**

#### Water Service

The Bridge is not provided any water service and the underlying property in the Santa Ana River floodplain also does not have any water service. The nearest water service is located in water lines located in Mtn. View Avenue south of the Bridge or in Central Avenue on the north side of the Bridge. The Reorganization will not alter this situation.

#### Electricity

The Bridge receives electric power from SCE to support night safety lighting. No electricity is provided to the underlying floodplain acreage.

#### Sewer

No sewer services are required for the parcels encompassed by Reorganization.

#### Transportation

The Mtn. Avenue Bridge has been an essential element of the area circulation system for about the last ten years. Currently, any maintenance of the Bridge is conducted by the IVDA and this will continue to be the case if the Reorganization is approved.

#### Lighting

Night lighting is funded and maintained by the IVDA and this will continue to be the case if the Reorganization is approved.

#### Schools

No school services are required for the current Bridge and this circumstance will not change if the Reorganization is approved.

### Parks

No Park services are required for the current Bridge and this circumstance will not change if the Reorganization is approved.

### Drainage and Roads

As indicated above, maintenance of the Bridge is funded and provided by the IVDA and this includes drainage and the roadway and bridge components.

### Police/Fire/Emergency Response

Law Enforcement services are currently provided by the City of San Bernardino, and this circumstance will not change if the Reorganization is approved. The San Bernardino County Fire Protection District (County Fire) provides fire and emergency response within its boundary. It is not clear whether the City of Redlands responds to emergency(ies) on the Bridge or the affected floodplain in the Santa Ana River floodplain. Given mutual aid agreements with County Fire, the City of Redlands may provide emergency service, but not typically as the first responder. Upon completion of the reorganization, County Fire will be the responsible agency for fire and emergency medical response for the entire Bridge.

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

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**DATE:** MAY 11, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
HANNAH LARSEN, LAFCO Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #11: LAFCO SC#484 – City of Rialto Extraterritorial  
Wastewater Service Agreement (Chandi Enterprises, LLC)

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**INITIATED BY:**

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

**RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO SC#484 by taking the following actions:

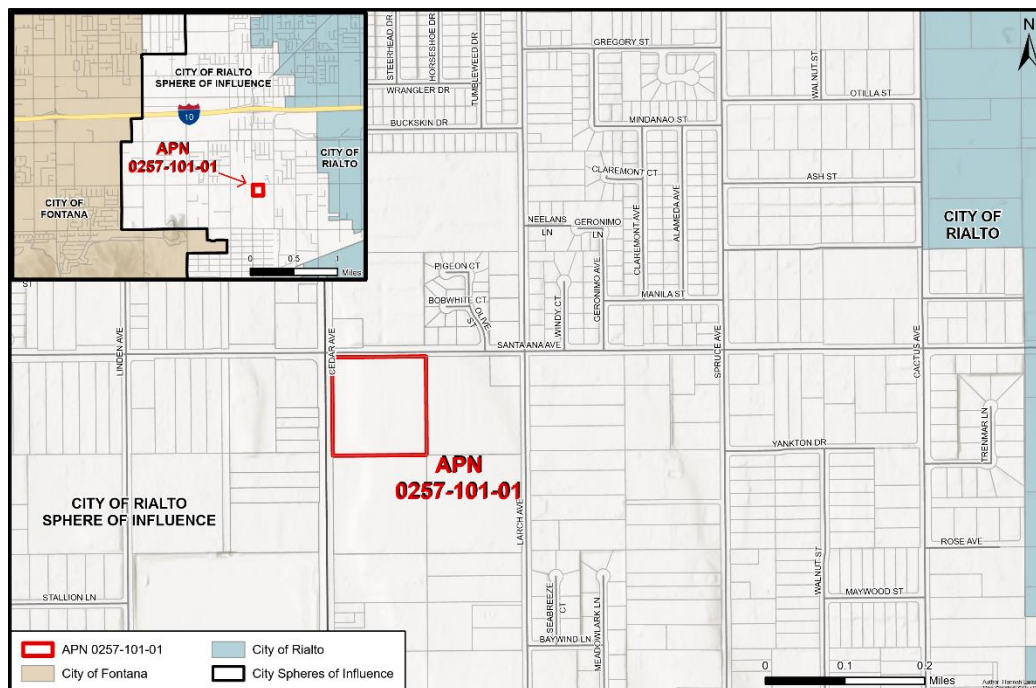
1. For environmental review as a responsible agency:
  - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the environmental assessment and Mitigated Negative Declaration including the Addendum prepared by the County of San Bernardino for a Conditional Use Permit, Tentative Parcel Map, and Zone Amendment to establish a Commercial/Retail Center on approximately 8.9 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#484 authorizing the City of Rialto to extend wastewater service outside its boundaries to Assessor Parcel Number 0257-101-01; and,
3. Adopt LAFCO Resolution #3349 setting forth the Commission's determinations and approval of the agreement for service outside the City of Rialto's boundaries.

### **BACKGROUND:**

The City of Rialto (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 wastewater service to a single parcel, Assessor Parcel Number (APN) 0257-101-01, which encompasses approximately 8.9 acres generally located at the southeast corner of Cedar and Santa Ana Avenues, within the City of Rialto's southern sphere of influence. The map below, which is also included as Attachment #1, outlines the location and vicinity map of the contract area. In addition, Attachment #2 outlines the City's application and contract, including a map that provides the location of the infrastructure to be extended.



In April 2021, the County's Land Use Services Department (LUSD) processed and approved a Conditional Use Permit, a Tentative Parcel Map, and a Zone Amendment to establish a Commercial/Retail Center on the 8.9-acre parcel. In August 2021, the County LUSD approved a revision to the original CUP (Revision to Approved Action) to make minor adjustments to the approved site plan. The Conditions of Approval placed upon this project includes the requirement to connect to the City's sewer facilities prior to issuance of building permits (see Condition 105 of the Conditions of Approval). A copy of the Conditions of Approval for the project is included as Attachment #3 to this report.

Therefore, the City, on behalf of the property owner/developer, has requested that the Commission authorize the extension of wastewater 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 wastewater service will be provided to the parcel through connection to the existing 27-inch main sewer line in Santa Ana Avenue using a 6-inch lateral extension from the property to the sewer main.

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 has submitted an estimated cost of \$57,595.87 for the extension of wastewater service to the parcel. Following is a table with a breakdown of the fee calculation:

<b>Sewer Treatment</b>	<b>Unit Measure</b>	<b>Unit</b>	<b>Rate</b>	<b>Extraterritorial Rate</b>	<b>Total</b>
Gas Station/Convenience Store	TSF	2,600	\$990.22	1.3	\$3,346.94
Drive Thru Restaurant #1	Per Seat	50.00	\$308.70	1.3	\$20,065.50
Drive Thru Restaurant #2	Per Seat	50.00	\$308.70	1.3	\$20,065.50
<b>Sewer Collection</b>					
Parcel	LLF	1,206.66	\$9.00	1.3	\$14,117.92
				<b>Total</b>	<b>\$57,595.87</b>

In addition, the property owner/developer will be responsible for the construction costs related to the installation of the sewer lateral extension to the project.

#### **ENVIRONMENTAL DETERMINATION:**

The County prepared an Initial Study and Mitigated Negative Declaration (IS-MND) for a Conditional Use Permit, Tentative Parcel Map, and Zone Amendment to establish a Commercial/Retail Center to include a 7-pump truck fueling canopy, an 8-pump automobile fueling canopy, a 9,900 square foot convenience store, a 3,000 square foot quick service drive-thru restaurant, and a 2,800 square foot quick service drive thru restaurant on approximately 8.9 acres. An Addendum to the IS-MND was also prepared to provide clarification on certain issues in the IS-MND.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Initial Study and Mitigated Negative Declaration, including the Addendum that was prepared, for the proposed project. Mr. Dodson's analysis indicates that the County's Initial Study and Mitigated Negative Declaration and Addendum 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) Indicate that the Commission staff and environmental consultant have independently reviewed the County's IS/MND/Addendum and found them adequate for the extension of service proposal contained in LAFCO SC#484.
- b) The Commission needs to indicate that it has considered the IS/MND/Addendum prior to reaching a decision on the project before it and finds the information substantiating these documents adequate for approval of the extension of service proposal contained in LAFCO SC#484.
- c) The Commission should indicate that it does not intend to adopt alternatives or mitigation measures for this project. Ten mitigation measures were required for this project, and the County will implement these mitigation measures and Conditions of Approval established with approval of the three entitlements authorized for this project.
- d) File a new Notice of Determination with the County Clerk of the Board acting as a CEQA Responsible Agency.

### **CONCLUSION:**

The development of the Commercial/Retail Center approved by the County requires that it receive wastewater service from the City of Rialto. In order for the proposed development to proceed, the property owner/developer must show proof of its ability to connect to the City's sewer infrastructure – which is the Commission's authorization for this agreement.

Staff has reviewed this request for authorization to provide wastewater service from the City 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 Rialto 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 APN 0257-101-01 since its facilities are adjacent to the project area, and there is no other existing entity available to provide this service within the area.

### **DETERMINATIONS:**

1. The project area, APN 0257-101-01, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future.

Water service will be provided by the West Valley Water District, whose boundary already overlays the project area.

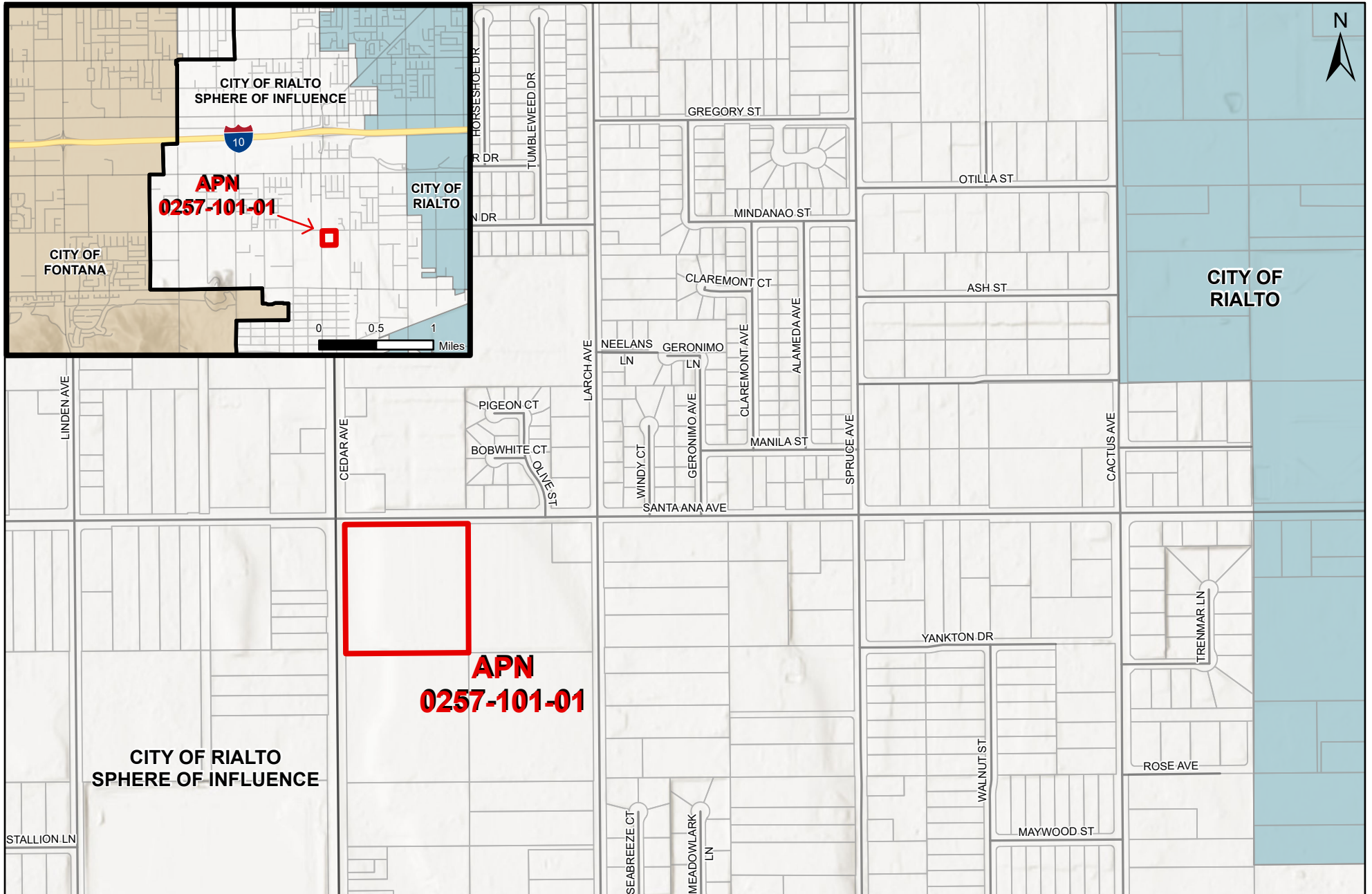
The application requests authorization to receive wastewater service from the City of Rialto. The requirement is a condition of approval placed upon the proposed project by the County Land Use Services Department. Therefore, approval of the City's request for authorization to provide wastewater service is necessary in order to satisfy the condition of approval for the project.

2. The City of Rialto's Extraterritorial Agreement between the City of Rialto and Chandi Enterprises, LLC being considered is for the provision of wastewater service to APN 0257-101-01. 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/developer and the City of Rialto to proceed in finalizing the contract for the extension of wastewater service.
3. The fees charged by the City of Rialto for the extension of wastewater service to the parcel are identified as totaling \$57,595.87 (see table on page 3 for a breakdown of fees and charges).
4. During the period from September 2020 to April 2021, acting as the CEQA Lead Agency, the County prepared an environmental assessment for a Conditional Use Permit, Tentative Parcel Map, and Zone Amendment to establish a Commercial/Retail Center on approximately 8.9 acres. The County's environmental assessment indicates that the project would not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project.

LAFCO's environmental consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and recommends that, if the Commission approves LAFCO SC#484, the County's Initial Study and Mitigated Negative Declaration, including the Addendum prepared for the project, 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:

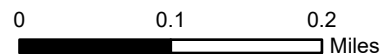
1. [Vicinity Map](#)
2. [City of Rialto's Application and Signed Extraterritorial Agreement to Annex](#)
3. [County's Conditions of Approval for the Project](#)
4. [Response from Tom Dodson and Associates including the County's Notice of Determination, Addendum and Mitigated Negative Declaration](#)
5. [Draft Resolution #3349](#)



# LAFCO SC#484 - City of Rialto Extraterritorial Wastewater Service Agreement (Chandi Enterprises, LLC)



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



APN 0257-101-01

City of Fontana

City of Rialto

City Spheres of Influence

**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 Rialto  
CONTACT PERSON: Thomas J. Crowley, P.E. - Utilities Manager  
ADDRESS: 150 S. Palm Avenue  
Rialto, CA 92376  
PHONE: 909-820-8056  
EMAIL: tjcrowley@rialto.ca.gov

**CONTRACTING PARTY:**

NAME OF PROPERTY OWNER: Chandi Enterprises, LLC  
CONTACT PERSON: Nachhattar Singh Chandi  
MAILING ADDRESS: 42270 Spectrum Street  
Indio, CA 92203  
PHONE: 760-396-9260  
EMAIL: notices@chandigroupusa.com  
ADDRESS OF PROPERTY PROPOSED FOR CONTRACT: 10951 Cedar Avenue  
Bloomington, CA 92316  
CONTRACT NUMBER/IDENTIFICATION: \_\_\_\_\_  
PARCEL NUMBER(S): 0257-101-01-0000  
ACREAGE: 8.9 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.

Connection to Rialto's sanitary sewer collection system and sewer treatment services.

- (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.

Standard Extra-territorial Development Agreement that describes the terms of the City of Rialto providing sewer collection and treatment services to the property.

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.

Project site in not contiguous to the City of Rialto.

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.

N/A

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?

Vacant Lot - fallow farming land

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

Change from vacant land to construction and operation of a commercial/retail center.

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.

Commercial/retail Center to include a 7-pump truck fueling canopy, 8-pump auto fueling canopy, 9,900 SF Convenience Store, 2,700 SF quick service drive-thru restaurant, a 2,600 SF quick service drive-thru restaurant. Project approved entitlements include: Conditional Use Permit (CUP), Tentative Parcel Map (TPM), Zoning Amendment, and adoption of a Mitigated Negative Declaration (MND); all subject to conditions of approval. Approved on May 6, 2021 and amended on September 21, 2021.

*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 type="checkbox"/>
Conditions of Approval	<input type="checkbox"/>
Negative Declaration (Initial Study)	<input type="checkbox"/>
Notice of Determination (NOD)/Notice of Exemption (NOE)	<input type="checkbox"/>
Department of Fish and Game (DFG) Receipt	<input type="checkbox"/>
Others (please identify below)	<input type="checkbox"/>

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.

Project is fronted along N'ly property limits by existing 27-inch vitrified clay pipe (VCP) trunk sewer. The capacity of the trunk sewer main and the wastewater treatment plant supplied by said main will not be exceeded by the proposed sewage flows. The project will transmit municipal non-industrial wastewater via on-site private infrastructure to include a grinder pump/lift station to a proposed public sewer manhole within public right-of-way. Wastewater will then enter the existing trunk sewer main via a 6-inch vitrified clay pipe and cut-in wye connection.

*Extension of Service by Contract  
Application Form*

(FOR LAFCO USE ONLY)

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

Description of Fees/Charges		Cost		Total		
Development Impact Fees						
Sewer Treatment		Unit Measure	Unit	Rate	Extraterritorial Rate	Total
	Gas Station/Convenience Store (Building A)	TSF	2,600.00	\$990.22	1.3	\$3,346.94
	Drive Thru Restaurant #1 (Building B)	Per Seat	50.00	\$308.70	1.3	\$20,065.50
	Drive Thru Restaurant #2 (Building C)	Per Seat	50.00	\$308.70	1.3	\$20,065.50
Sewer Collection						
	Parcel	LLF	1,206.66	\$9.00	1.3	\$14,117.92
					Total	\$57,595.87
Construction Coats to be provided by the developer.						
Total Costs						

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

All development impact fees/connection fees and monthly service rates will be calculated at 1.3 times the regular rate charged for properties in the Rialto city limits. .

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

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.

Policies previously provided.

## CERTIFICATION

As a part of this application, the City/Town of Rialto, 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.

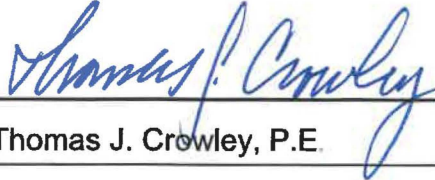
The agency signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless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

Thomas J. Crowley, P.E.

POSITION TITLE:

Utilities Manager

DATE:

March 25, 2022

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



## **EXTRATERRITORIAL WASTEWATER SERVICE**

### **AGREEMENT BETWEEN THE CITY OF RIALTO AND CHANDI ENTERPRISES, LLC**

This **EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT** ("Agreement") is made and entered into this 14th day of December, 2021, between Chandi Enterprises, LLC, Property Owner ("Owner") and the City of Rialto, a California municipal corporation ("City") (each a "Party" and collectively the "Parties").

### **RECITALS**

**WHEREAS**, the City, through its concessionaire Rialto Water Services, and sewer system operator Veolia, provides wastewater conveyance, treatment and disposal services for wastewater ("Sewer Services") to properties within the City's jurisdiction and spheres of influence, and has adequate pipelines, facilities, and infrastructure for said Sewer Services; and

**WHEREAS**, the Owner has requested the City to provide Sewer Services to a property located within the City's sphere-of-influence, but outside of the City's existing corporate boundaries, and which is associated with Assessor's Parcel Numbers 0257-101-01-0000, located at 10951 Cedar Avenue, Bloomington, as identified on Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof (the "Property"); and

**WHEREAS**, other wastewater collection systems are unavailable, and Owner desires to connect the Property to the City's wastewater collection system for the general health safety and welfare; and

**WHEREAS**, City owns and operates wastewater collection mains and any other related and/or additional facilities used for the conveyance, treatment or disposal of wastewater originating in the City and areas located outside the corporate boundaries of the City approved by the City for extraterritorial wastewater service (the "Service Area"), and any extensions, expansions or replacements of any of the above being hereinafter referred to as the "City's Disposal System"; and

**WHEREAS**, City has defined and established by City Council resolution a policy and administrative guidelines to provide Sewer Services outside of the City's corporate boundaries, and has agreed to provide Sewer Services to the Property through the City's Disposal System on the terms and conditions contained herein; and

**WHEREAS**, California Government Code Section 56375(p) permits a city to provide new or extended services by agreement outside its jurisdictional boundaries but within its sphere of influence in anticipation of a later change of organization only if the city first request and receives approval from the Local Agency Formation Commission for San Bernardino County ("LAFCO"); and

**WHEREAS**, City and Owner desire to memorialize their arrangement for the City's provision of Sewer Services to the Owner through this Agreement.

## **AGREEMENT**

**NOW, THEREFORE**, in consideration of the foregoing and subject to the terms and conditions contained herein, the Parties hereto hereby agree as follows:

### **ARTICLE I. CONDITION PRECEDENT**

**Section 1.01 Recitals Incorporated.** The recitals set forth above are true and correct and are hereby incorporated into and made a part of this Agreement.

**Section 1.02 Condition Precedent.** The effectiveness of this Agreement is expressly conditioned upon approval by LAFCO authorizing the City to provide new or extended Sewer Services to the Property. The Effective Date of this Agreement shall be the date of such approval by LAFCO.

### **ARTICLE II. RIGHTS AND OBLIGATIONS**

**Section 2.01 Delivery and Receipt of Wastewater.** At all times, except as may be restricted by unforeseen emergencies, Owner shall have the right to deliver to the City's Disposal System normal strength domestic wastewater, and City shall have the obligation to receive all such wastewater into the City's Disposal System and to convey, treat and dispose of such wastewater.

**Section 2.02 Disposal of Service Area Wastewater; Ownership and Reclamation of Effluent.** The cost of constructing, expanding, extending, maintaining and operating the City's Disposal System and of conveying, treating and disposing of the Service Area wastewater (including without limitation and effluent of by-product thereof) after delivery of such Service Area wastewater to the City's Disposal System shall be the responsibility solely of the City, and Owner shall have no responsibility for, and shall not be liable to the City or any third party for, any costs or other expenses incurred by the City in connection with or related thereto, other than design and construction costs to connect to the City's Disposal System set forth in Section 2.05 and payment of the Wastewater User Fees set forth in Article III, provided Owner complies with all aspects of the City's Municipal Code, ordinances and policies, incorporated herein by reference, as they relate to wastewater discharge applicable to the Property.

**Section 2.03 Ownership of Service Area Wastewater.** It is the intention and agreement of the Parties that the City shall have total ownership and control of all Service Area wastewater delivered to the City's Disposal System. Owner warrants that Owner shall comply with all aspects of the City's Municipal Code, ordinances and policies as they relate to wastewater discharge applicable to the Property.

**Section 2.04 Connection Points.** Owner is authorized one (1) connection point to the City's Disposal System. Such connection point shall be located at a point mutually acceptable to the Owner, City Engineer and the Building Official. Construction of laterals and connection points shall be in conformance with the specifications and details set forth

in the City's Utility Design Standards, Building Safety Codes and other applicable laws and regulations, as may apply.

**Section 2.05 Design and Construction of Connection Points.** Owner agrees, at its sole expense and without reimbursement from the City, to design and construct the sewer lines, laterals and connection points needed for the Owner to connect to the City's Disposal System. City and the Owner also agree the design and construction necessary to connect to the City's Disposal System is subject to the appropriate City approvals, including but not limited to plan check(s) and inspections.

**Section 2.06 Inspection.** City shall have the right to inspect and examine sewer lines, laterals, connection points and any other facilities related to the Owner's connection to the City's Disposal System at any time, including during construction and operation of any portion of the Sewer System within the Service Area.

**Section 2.07 Maintenance and Repairs.** Maintenance, repairs and replacement of the laterals including the connection point within the right-of-way shall be the responsibility solely of the Owner. All construction work, maintenance and repairs shall be performed under permit from, inspected, and approved by the City. Should Owner fail to operate, maintain, repair and replace the lateral including the connection point as needed for proper operation of the City's Disposal System, the City shall have the right, but not the obligation to stop providing Sewer Services.

### **ARTICLE III. WASTEWATER USER FEES**

**Section 3.01 Initial Special Service Availability Payment.** In consideration of the City's agreements contained herein, Owner shall, promptly upon the Effective Date of this Agreement, pay to City a service connection fee for treatment, collections and related fees in the amount of **\$57,595.87** in accordance with the adopted fee schedule, Resolution 6069, approved by the Rialto City Council/Rialto Utility Authority on December 27, 2011. Any additional fees related to plan check(s), inspection or not named in this Agreement shall be the responsibility of the Owner.

**Section 3.02 Monthly Wastewater User Fees.** After the Effective Date, Owner shall pay to the City for the provision of Sewer Services a wastewater fee calculated at a rate equal to one point three (1.3) times the rate then charged by the City to properties located within the incorporated boundaries of the City, in accordance with the rates established pursuant to Chapter 12.08.200 of the City's Municipal Code, or as may be amended from time to time.

**Section 3.03 Delinquent Sewer Service Fees.** Owner shall pay to the City delinquent fees as established in the City's Municipal Code, ordinances or policies. Any sewer charges that are unpaid by the specified due date shall be a debt in favor of the City, which may use any legal means to collect any delinquent sewer charges, including, but not limited to, placing liens on the Property of any such persons, and collecting such delinquent fees, penalties, and interest due and owing on the property tax roll.

## **ARTICLE IV. MONITORING OF SERVICE AREA WASTEWATER**

### **Section 4.01 Pre-Treatment Program; Quality Specifications and Standards.**

Pretreatment of wastewater from the Service Area may not be required under this Agreement, provided the Owner complies with all aspects of the City's Municipal Code, ordinances and policies as they relate to wastewater discharge applicable to the Property. City shall have the right to monitor or restrict the discharge of wastewater to the City's Disposal System if City suspects or discovers the Owner has discharged prohibited substances, as described in the City's Municipal Code, into the City's Collection System, or violated other provisions of said Municipal Code. City may, at its option, allow discharge to resume with the Owner's installation, and proper maintenance of, an approved pretreatment device or system.

## **ARTICLE V. TERM**

**Section 5.01 Effective Date; Term.** This Agreement shall become effective as first written above in Section 1.02. The Agreement shall continue in perpetuity, or until terminated pursuant to Section 5.02, or such time as the Property is annexed into the corporate boundaries of City. At such time, the Owner shall have such rights, privileges and duties, including fees and rates, as all other City citizens for the then current wastewater disposal classification.

**Section 5.02 Termination.** Either Party may terminate this Agreement upon thirty (30) days prior written notice to the other Party.

## **ARTICLE VI. MISCELLANEOUS**

**Section 6.01 Indemnification.** Owner hereto agrees to indemnify, defend, save and hold harmless the City and its officers, agents and employees from and against all liability, claims, damages, losses and expense of any nature whatsoever, including but not limited to bodily injury, death, personal injury, property damages and attorney's fees, arising directly or indirectly from any acts or omissions of such indemnified party or its officers, agents or employees in connection with this Agreement.

**Section 6.02 Successors and Assigns.** The agreements contained in this Agreement shall be binding upon and shall inure to the benefit of the heirs, successors, and assigns of the parties hereto. Owner may not assign its rights and/or obligations under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such consent by City shall not, in any way, relieve Owner of its obligations and responsibilities under this Agreement.

**Section 6.03 Notices.** All notices or other communications required or permitted hereunder shall be in writing, and shall be personally delivered, sent by pre-paid First Class U.S. Mail, registered or certified mail, postage prepaid, return receipt requested, or delivered or sent by facsimile with attached evidence of completed transmission, and shall

be deemed received upon the earlier of (i) the date of delivery to the address of the person to receive such notice if delivered personally or by messenger or overnight courier; (ii) three (3) business days after the date of posting by the United States Post Office if by mail; or (iii) when sent if given by facsimile. Any notice, request, demand, direction, or other communication sent by facsimile must be confirmed within forty-eight (48) hours by letter mailed or delivered. Other forms of electronic transmission such as e-mails, text messages, instant messages are not acceptable manners of notice required hereunder. Notices or other communications shall be addressed as follows:

If to City:                   City of Rialto  
                                  150 South Palm Avenue  
                                  Rialto, CA 92376  
                                  Attn: City Manager  
                                  Tel: (909) 820-2689  
                                  Fax: (909) 820-2527

With copy to:               Burke, Williams & Sorensen, LLP  
                                  1770 Iowa Avenue, Suite 240  
                                  Riverside, CA 92507-2479  
                                  Attn: Eric Vail, City Attorney  
                                  Tel: (951) 788-0100  
                                  Fax: Not Available

If to Owner:                Chandi Enterprises, LLC  
                                  42270 Spectrum Street  
                                  Indio, CA 92203  
                                  Tel: 760-396-9260  
                                  Fax: Not Available

With copy to:               N/A

Either Party may change its address by notifying the other Party of the change of address in writing.

**Section 6.04 Costs and Expense of Enforcement.** Should litigation be necessary to enforce any term or provision of this Agreement, the prevailing party shall be entitled to collect all litigation costs and attorney's fees incurred by the prevailing party.

**Section 6.05 Amendment.** No amendment or waiver of any provisions of this Agreement or consent to any departure from its terms shall be effective unless the same shall be in writing and signed by the parties hereto.

**Section 6.06 Severability.** The provisions of this Agreement are severable. The invalidity or unenforceability of any provision of this Agreement will not affect the validity of the remainder hereof.

**Section 6.07 Execution in Counterparts.** This Agreement may be executed in counterparts, all of which taken together shall constitute an original hereof.

**Section 6.08 Time of Essence.** Time is of the essence in the fulfillment by the parties hereto of their obligations under this Agreement.

**Section 6.09 Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of California and any legal action must be brought in a court of competent jurisdiction in San Bernardino County.

**[SIGNATURES ON NEXT PAGE]**



**IN WITNESS WHEREOF**, City and Owner have caused this Agreement to be executed the day and year first above written.

**CITY:**

CITY OF RIALTO,  
a Municipal Corporation

By: Marcus Fuller  
Marcus Fuller, City Manager

**ATTEST:**

By: Barbara A. McGee  
Barbara A. McGee, City Clerk

**APPROVED AS TO FORM:**

BURKE, WILLIAMS & SORENSEN, LLP

By: Eric Vail  
Eric Vail, City Attorney

**Owner:**

Chandi Enterprises, LLC

By: Nachhattar Singh Chandi  
Nachhattar Singh Chandi,  
Managing Member

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION**

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

TENTATIVE PARCEL MAP NO. 20192, BEING A SUBDIVISION OF THE FOLLOWING:

THE WEST 1/2 OF LOT 380, ACCORDING TO MAP SHOWING SUBDIVISION OF LANDS BELONGING TO SEMI-TROPIC LAND AND WATER COMPANY, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS SHOWN BY MAP ON FILE IN [BOOK 11, PAGES 12](#), OF MAPS, RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.

EXCEPTING THEREFROM THE WEST 45 FEET AS DEEDED TO THE COUNTY OF SAN BERNARDINO, BY DOCUMENT RECORDED MARCH 22, 1957 IN [BOOK 4186, PAGE 231](#) OF OFFICIAL RECORDS OF SAN BERNARDINO COUNTY, CALIFORNIA.

NOTE: AREAS AND DISTANCES ARE COMPUTED TO STREET CENTERS.

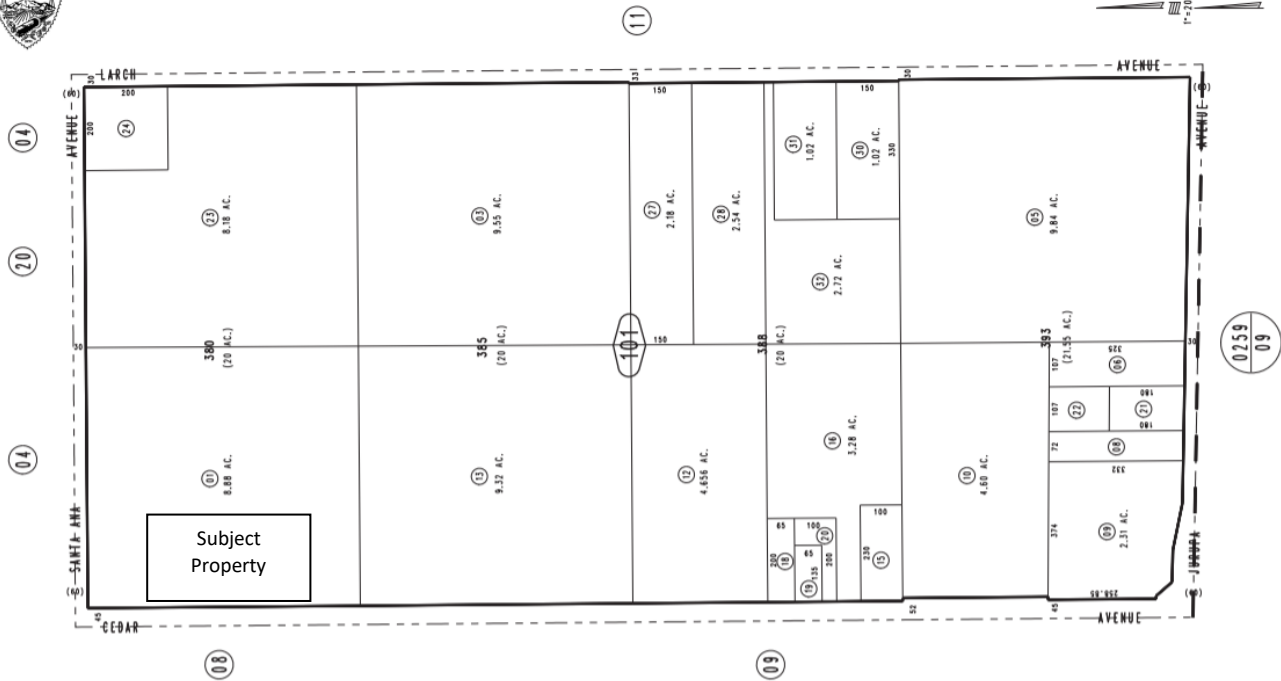
APN: 0257-101-01-0-000 (Referenced for informational purposes only)

EXHIBIT "B"

THIS MAP IS FOR THE PURPOSE  
OF AD VALOREM TAXATION ONLY.

Semi Tropic Land & Water Co. Sub., S.B.L.  
M.B. 11/12

Colton Joint Unified 0257-10  
Tax Rate Area  
64027



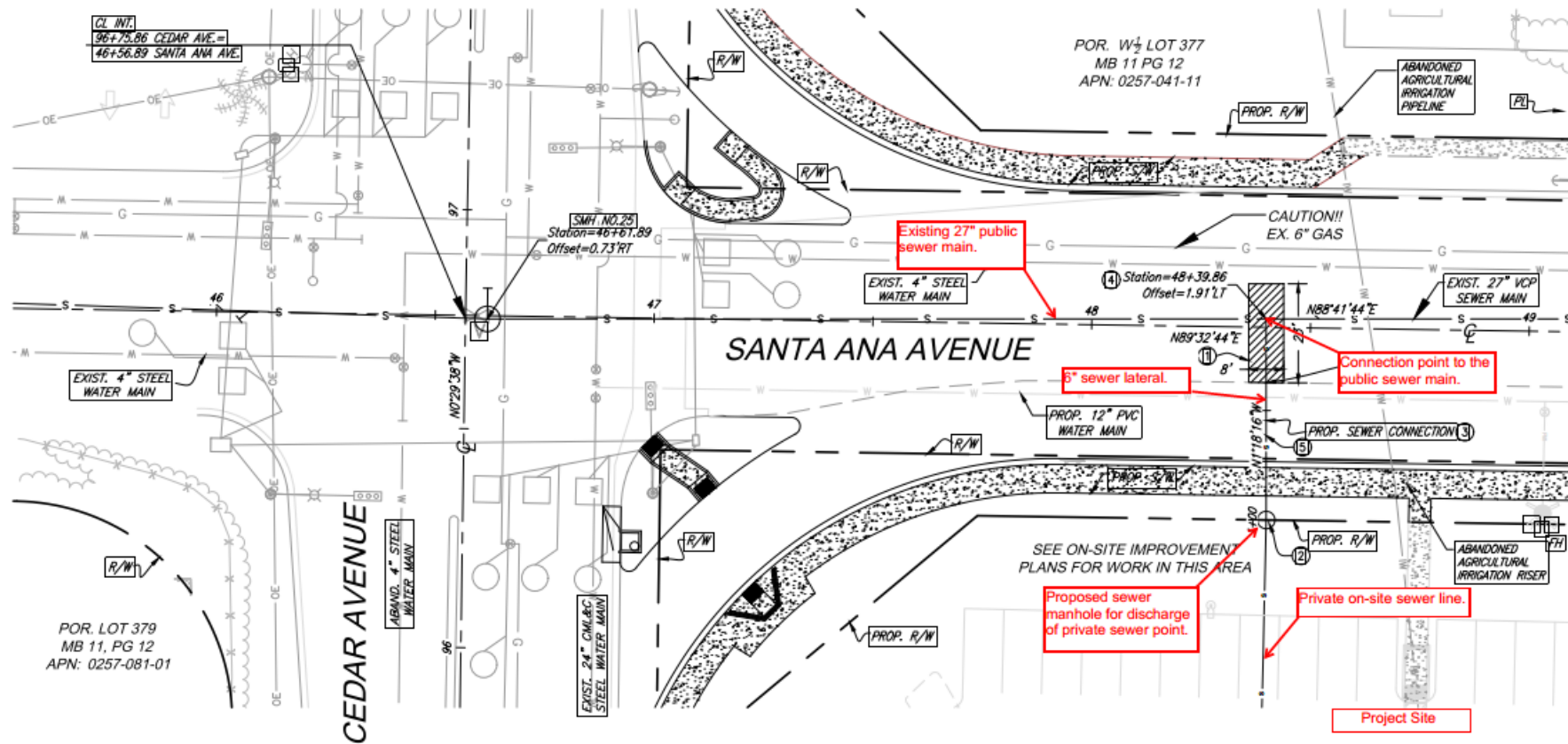
September 2003

Ptn. S.W.1/4, Sec. 27  
T.1S., R.5W.

Assessor's Map  
Book 0257 Page 10  
San Bernardino County

REVISED  
10/05/03 11  
02/24/09 AC

## SEWER CONNECTION LAYOUT



## **CONDITIONS OF APPROVAL**

Bloomington Commercial Center PROJ-2019-00079

Revision to Approved Action PRAA-2021-00041

### **GENERAL REQUIREMENTS**

Ongoing and Operational Conditions

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

1. Project Approval Description. A Revision to an Approved Action to make minor adjustments to the approved site plan for PROJ-2019-00079 to include:

- The reduction of the number of truck parking spaces from 36 to 20,
- Placement of fuel storage tanks underground,
- Increase the landscape buffer on the east side of the property to 20 feet, and
- Increase the CMU wall on east property line to 8 feet

2. Original Project Approval: A Conditional Use Permit (CUP) for the construction and operation of a Commercial/Retail Center to include a 7-pump truck fueling canopy, 8-pump auto fueling canopy, a 9,900 square foot convenience store, a 3,000 square foot quick service drive-thru restaurant and a 2,800 square foot quick service drive thru restaurant on 8.9 acres, and Tentative Parcel Map (TPM) 20192 to subdivide 8.9 acres into four parcels. This approval does not allow for overnight parking of trucks.

This CUP is approved in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g., elevations).

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 with APN: 0257-101-01, Project No. PROJ-2019-00079.

3. Concurrent Actions. Zoning Amendment from Single Residential one-acre minimum Additional Agriculture (RS-1-AA) to General Commercial (CG).
4. Project Location. The project is located at 10951 Cedar Avenue, on the SEC of Cedar Avenue and Santa Ana Avenue in the community of Bloomington.
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. 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.

7. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
  - a) FEDERAL: N/A;
  - b) STATE: Santa Ana RWQCB, South Coast AQMD, California Department of Fish and Wildlife, Caltrans
  - c) COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor, and
  - d) LOCAL: N/A
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)

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.
9. 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:
  - a. Construction permits for all or part of the project are not issued, or the construction permits expire before the structure is completed and the final inspection is approved.
  - b. The land use is determined by the County to be abandoned or non-conforming.
  - c. The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.
10. 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.
11. 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)
12. Project Account. The Project account number is PROJ-2019-00079. 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

*\*Mitigation Measures are in Italics*

*\*\*Revised Conditions: Deleted show in strikethrough, added shown in bold*



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.

13. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
14. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall comply with all of the conditions for each of the respective stages of development. The developer shall obtain written clearance (email is ok) that all of the conditions have been satisfied prior to issuance of any permits.
15. 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.
16. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
  - a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
  - b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
  - c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire-retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
  - d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
  - e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
  - g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
  - h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
  - i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
  - j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
  - k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires 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.

*\*Mitigation Measures are in Italics*

*\*\*Revised Conditions: Deleted show in strikethrough, added shown in bold*

- 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.
17. 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.
18. Lighting. 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, an alternating message no more than once every five seconds.
19. 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. Existing utilities around the site perimeter shall also be placed underground, in coordination with the utility provider.
20. 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.
21. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
- All construction equipment shall be muffled in accordance with manufacturer's specifications.
  - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
  - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g., residences and schools) nearest the project site.
22. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.
23. **\*\*Truck Idling**: **Truck idling on the property shall be limited to no more than five (5) consecutive minutes, and truck parking on the property shall be limited to no more than two (2) consecutive hours.**
24. **\*\*Alternate Site Plan**: **The Project shall be reconfigured in conformance with the alternate site plan (Option B) in the event the Colton Joint Unified School District constructs school facilities on the adjacent property to the east, owned by the District.**

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

25. 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.

*\*Mitigation Measures are in Italics*

*\*\*Revised Conditions: Deleted show in strikethrough, added shown in bold*

26. 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).

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

27. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
28. 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.
29. 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.
30. 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.

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

31. 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 one (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 two (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.

**COUNTY FIRE DEPARTMENT–Community Safety Division (760) 995-8190**

32. 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.
33. 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. [F01]
34. Additional Requirements. In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. [F01A]

*\*Mitigation Measures are in Italics*

*\*\*Revised Conditions: Deleted show in strikethrough, added shown in bold*

35. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division (909) 386-8400.
36. Additional Requirements. In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. 1. Deferred Submittal needed for Underground Fire water, Sprinklers and Alarms
37. Standard F-5 DESIGN, INSTALLATION AND MAINTENANCE OF FIRE ALARM SYSTEMS. This standard applies to all new installations and modifications of existing fire alarm systems, within new construction as well as building additions and tenant improvements within existing buildings. This standard and its interpretation is not intended to be applied or enforced where there is any conflict with NFPA 72 or the California Fire Code.
38. Standard W-2 ONSITE FIRE PROTECTION WATER SYSTEMS. This standard establishes minimum requirements for installation and maintenance of all private fire hydrants and appliances related to an onsite fire protection system.
39. Standard B-2 CONSTRUCTION SITE FIRE SAFETY. This standard establishes minimum requirements for fire safety during construction and demolition. This document shall not be construed to be in lieu of any other applicable State or Federal law or regulation related to construction site safety. The general contractor or other designee of the building owner shall be responsible for compliance with these standards.
40. Standard A-1 FIRE APPARATUS ACCESS ROAD DESIGN, CONSTRUCTION AND MAINTENANCE. This standard shall apply to the design, construction and maintenance of all new fire apparatus access roads within the jurisdiction, as well as fire apparatus access roads at existing facilities when applied at the discretion of the fire code official.
41. Standard F-4 POST INDICATOR VALVES AND FIRE DEPARTMENT CONNECTIONS. This standard, in conjunction with the latest edition of NFPA 13, NFPA 13R and NFPA 24, shall apply to the design and installation of, and the modification to, all new and existing fire sprinkler systems in commercial and industrial buildings and multi-family dwellings. This standard and its interpretation shall take NOT precedent where there is any conflict with NFPA standards.
42. Standard F-1 FIRE SPRINKLER SYSTEMS IN COMMERCIAL AND INDUSTRIAL BUILDINGS. This standard, in conjunction with the latest edition of NFPA 13, shall apply to the design and installation of, and the modification to, all fire sprinkler systems in commercial and industrial occupancies. This standard and its interpretation is not intended to be applied or enforced where there is any conflict with NFPA 13 or the California Fire Code.

**COUNTY FIRE DEPARTMENT – Hazardous Materials Division (760) 995-8190/(909) 386-8401**

43. Prior to sign off by this agency, the operator must update disclosure information using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov>. For additional information please contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.
44. Permit Requirements. Any business or facility that handles a hazardous material in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste must obtain hazardous material permits.

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

45. 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 Waste Industries - Edco Disposal).
46. 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.

*\*Mitigation Measures are in Italics*

*\*\*Revised Conditions: Deleted show in strikethrough, added shown in bold*

47. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
48. 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. 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**

49. Project vehicles shall not back out into the public roadway.

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

The Following Shall Be Completed

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

50. *\*BIO-1 Burrowing Owl Surveys. A qualified biologist(s) shall conduct a pre-construction presence/absence survey for burrowing owls at 14 days prior to ground disturbing activities and within 24 hours immediately before ground disturbing activities. If burrowing owls are documented on site, then a plan for avoidance or passive exclusion shall be made in coordination with CDFW. If the survey is negative, the project may proceed without further restrictions related to burrowing owls.*

*The Applicant shall designate a burrowing owl biologist (Designated Biologist) that is knowledgeable about the burrowing owl, including its natural history, habitat requirements, seasonal movements and range, to survey and monitor for burrowing owls prior to Project activities. The Designated Biologist shall complete necessary burrowing owl surveys, impact assessments, and associated reports within all locations subject to Project activities. Methodology shall follow the recommendations and guidelines provided within the Staff Report on Burrowing Owl Mitigation, as described below.*

*As the site has been determined to be suitable for burrowing owl, protocol burrowing owl surveys shall be conducted by the Designated Biologist in accordance with the Staff Report on Burrowing Owl Mitigation. As such, the Designated Biologist shall conduct four survey visits: 1) at least one site visit between 15 February and 15 April, and 2) a minimum of three survey visits, at least three weeks apart between 15 April and 15 July, with at least one visit after 15 June. If breeding season surveys confirm occupied burrowing owl habitat in or adjoining areas subject to Project activities, Applicant shall contact CDFW and conduct an impact assessment, in accordance with Staff Report on Burrowing Owl Mitigation prior to commencing project site activities, to assist in the development of avoidance, minimization, and mitigation measures. CDFW recommends occupied habitats that will be impacted by the Project be replaced through conservation of occupied habitat at a ratio determined appropriate based on habitat quality and use, and at a minimum of a 2:1 ratio.*

*To avoid direct impacts to burrowing owls, a qualified biologist(s) shall conduct a pre-construction presence/absence survey for burrowing owls at 14 days prior to ground disturbing activities and within 24 hours*

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immediately before ground disturbing activities. If burrowing owls are documented on site, then a plan for avoidance or passive exclusion shall be made in coordination with CDFW.

51. ***BIO-2 Nesting Bird Surveys.** Where feasible, vegetation clearing, and ground disturbing activities shall be conducted outside of the nesting season (February 1 to August 31). If ground disturbing activities are scheduled outside of the nesting season, a nesting bird survey will not be required. If construction activities occur during the nesting season, a qualified biologist shall conduct a nesting bird survey within seven days prior to any disturbance of the site, including tree and shrub removal, disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests depending on the level of activity within the buffer and species observed, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Raptor species shall have an avoidance buffer of 500 feet and other bird species shall have an avoidance buffer of 300 feet. These buffers may be reduced in consultation with the CDFW. If active nests are not identified, vegetation clearing, and ground disturbing activities may commence.*

*Applicant shall ensure that impacts to nesting birds at the Project site are avoided through the implementation of preconstruction surveys, ongoing monitoring, and if necessary, establishment of minimization measures. Where feasible, vegetation clearing and ground disturbing activities shall be conducted outside of the typical nesting season (February 1 to August 31).*

*Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.*

*The Designated Biologist shall conduct a nesting bird surveys at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days within seven days prior to any disturbance of the site, including tree and shrub removal, disking, demolition activities, and grading. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.*

*If active nests are identified, the Designated Biologist shall immediately establish conservative avoidance buffers around the nests based on their best professional judgement and experience, and on the level of activity within the buffer and species' observed tolerance. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Raptor species shall have an avoidance buffer of 500 feet and other bird species shall have an avoidance buffer of 300 feet. These buffers may be reduced at the discretion of the Designated Biologist. The Designated Biologist shall monitor the nest at the onset of Project activities, and at the onset of any changes in Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that Project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. If active nests are not identified, vegetation clearing, and ground disturbing activities may commence.*

52. ***Special Status Plants.** Applicant shall conduct a thorough floristic-based assessment of special status plants and natural communities during times of year when plants are evident and identifiable (i.e. flowering or fruiting), which may warrant multiple surveys during the season to capture floristic diversity. The assessment shall be*

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performed by a qualified biologist following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW, 2018) or most recent version: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline=1>

*Should any CESA-listed plant species be present at the Project site, the Applicant shall obtain an incidental take permit for those species prior to the start of Project activities. Should any special status plants or natural communities be present in the Project area, a qualified biologist shall, in coordination with CDFW, develop species-specific avoidance, minimization, and mitigation measures to ensure there is no net reduction in the size or viability of the local population.*

#### **Tribal Cultural Resources San Manuel Band of Mission Indians:**

53. *\*The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.*
54. *\*Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.*

#### **Tribal Cultural Resources Gabrieleno Band of Mission Indians-Kizh Nation:**

55. *\*Retain a Native American Monitor/Consultant: Prior to the commencement of any ground disturbing activity at the project site, the project applicant shall retain a Native American Monitor approved by the Gabrieleno Band of Mission Indians-Kizh Nation – the tribe that consulted on this project pursuant to Assembly Bill A52 - SB18 (the "Tribe" or the "Consulting Tribe"). A copy of the executed contract shall be submitted to the Lead Agency prior to the issuance of any permit necessary to commence a ground-disturbing activity. The Tribal monitor will only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the Project Site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the Project Site have little to no potential for impacting Tribal Cultural Resources. Upon discovery of any Tribal Cultural Resources, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 50 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities shall be evaluated by the Tribal monitor approved by the Consulting Tribe and a qualified archaeologist if one is present. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural and/or historic purposes. If human remains and/or grave goods are discovered or recognized at the Project Site, all ground disturbance shall immediately cease, and the county coroner shall be notified per Public Resources Code Section 5097.98, and Health & Safety Code Section 7050.5. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2). Work may continue in other parts of the Project site while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5[f]). Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept*

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*the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.*

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

*Upon discovery of human remains, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 100 feet and place an exclusion zone around the discovery location. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).*

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

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

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

57. *\*Professional Standards:* *Native American and Archaeological monitoring during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of TCR's shall be taken. The Native American monitor must be approved by the*

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*Gabrieleno Band of Mission Indians-Kizh Nation. Principal personnel for Archaeology must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California.*

58. *\*CR-1 Unanticipated Discovery of Cultural Resources. If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work such as data recovery excavation and Native American consultation and archaeological monitoring may be warranted to mitigate any significant impacts to cultural resources.*

*Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.*

59. *\*CR-2 Unanticipated Discovery of Human Remains. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.*

60. *\*GEO-1 Paleontological Resources Monitoring. Prior to the commencement of project construction, a qualified paleontological monitor (i.e., a paleontologist who meets the SVP [2010] standards as a Paleontological Resource Monitor) shall be retained to conduct paleontological monitoring during ground-disturbing activities (including, but not limited to site preparation, grading, excavation, and trenching) of all intact deposits (i.e. all disturbance of bedrock below the level of artificial fill). Monitoring shall be supervised by a Qualified Paleontologist (i.e., a paleontologist who meets the SVP [2010] standards as a Qualified Professional Paleontologist).*

*Full-time monitoring shall be conducted for all ground disturbance exceeding three feet, including excavations associated with the storm water system and storage gas tank. These project activities have a high potential of disturbing native, previously undisturbed geologic units including Quaternary old (late to middle Pleistocene) alluvial fan deposits, Unit 3 (Qof3), which have a high paleontological sensitivity. If the paleontological monitor determines that all or parts of the site are likely comprised of late Holocene alluvial fan deposits (Qyf5), monitoring can be discontinued in some or all of the project site; however, if Quaternary old alluvial deposits (Qof3) are observed at the surface or at depth, then full-time monitoring shall be continued until the full depth of excavation has been reached. Ground-disturbing activities that impact previously disturbed sediments (artificial fill) or surface soil do not require paleontological monitoring.*

*The duration and timing of the monitoring shall be determined by the Qualified Paleontologist. If the Qualified Paleontologist determines that full-time or part-time monitoring is no longer warranted, he or she may recommend reducing monitoring to periodic spot-checking or may recommend that monitoring cease entirely. Monitoring shall be reinstated if any new ground disturbances of previously undisturbed areas are required, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.*

*If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert construction equipment around the find until it is assessed for scientific significance and collected. Once salvaged, significant fossils shall be prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the Natural History Museum of Los Angeles County [NHMLAC] or UCMP). Curation fees are the responsibility of the project owner.*

*A final report shall be prepared describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their*

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*scientific significance, and recommendations. The report shall be submitted to the County. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.*

61. *\*GHG-1 GHG Emissions Screening Tables. Prior to the approval of grading permits, the project applicant shall demonstrate that it would implement a minimum of 100 points of GHG reduction measures listed in the County's GHG Emissions Screening Tables. Per County standards, projects that exceed 3,000 MT CO<sub>2</sub>e and implement a minimum of 100 points would be consistent with the County's GHG Plan and would therefore result in a less than significant impact.*

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

62. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls.
63. 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.

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

64. 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.
65. FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8667H dated 08/28/2008.
66. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
67. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
68. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)
69. 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.
70. On-site Flows. On-site flows need to be directed to the nearest drainage facility unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
71. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>
72. WQMP Inspection Fee. The developer shall provide a \$3,600 deposit to the Department of Public Works for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

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

73. 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 (Section 8771(b) Business and Professions Code).

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

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

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

74. 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 1-800-442-2283.

**COUNTY FIRE DEPARTMENT – Hazardous Materials Division (760) 995-8190/(909) 386-8401**

75. Businesses or facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures Plan (SPCC) in accordance with 40 CFR 112.3 and CHSC 25270.4.5(a). The SPCC plan shall be submitted via the CERS system and maintained on site.

76. Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to an existing UST system. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8401.

“Hazardous Material” means any material that because of its quantity, concentration, physical characteristics, or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace. Hazardous Materials include but are not limited to, hazardous substances, hazardous waste, or any material which the administering agency has a reasonable basis for believing would be injurious to human health or the environment.

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**PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed:

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

77. 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.

78. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be

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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.

79. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.
80. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. Pursuant to SBCC Chapter 83.13, *Sign Regulations*, and SBCC §83.07.030, *Glare and Outdoor Lighting Valley Region*, all signs shall comply with the following minimum standards:
- a) Light Trespass Prohibited. Outdoor lighting of commercial or industrial land uses shall be fully shielded to preclude light pollution or light trespass on any of the following:
    1. An abutting residential land use zoning district;
    2. A residential parcel; or
    3. Public right-of-way.
  - b) Determination of Light Trespass. A determination of light trespass shall be made through a quantitative measurement utilizing a standard yardstick (3 ft x 1½ in.). The yardstick shall be placed at the building setback line in the complainant's yard. The yardstick shall be in contact with the ground or may be raised to window level of the dwelling and in a vertical position. The person taking the measurement shall then determine if a shadow is cast by the light source, that is, the light source, yardstick, and shadow shall be in alignment. Measurements shall not be taken when there is a moon in the night sky.
  - c) Maximum Allowed Foot-Candles. Direct or indirect light from any light fixture shall not cause glare above five-tenths (0.5) foot-candles when measured at the property line of a residential land use zoning district, residential parcel, or public right-of-way. Light levels shall be measured with a photoelectric photometer, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.

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

81. 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.
82. Temporary Use Permits: A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years

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

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

**Santa Ana Avenue (Secondary Highway – 88')**

- Road Dedication. A 14-foot grant of easement is required to provide a half-width right-of-way of 44.
- Street Improvements. Design curb and gutter with match up paving 32 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "B".

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- Curb Returns and Sidewalk Ramps. A 50' minimum radius return grant of easement is required at the intersection of Santa Ana Avenue and Cedar Avenue or as required by the Traffic Division to accommodate the truck turning movement. Curb returns and sidewalk ramps shall be designed per County Standard 110. 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.

**Cedar Avenue (Major Highway – 104')**

- Road Dedication. A 7-foot grant of easement is required to provide a half-width right-of-way of 52.
  - 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. 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.
84. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
85. 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.
86. 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.
87. 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.
88. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
89. 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.
90. 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.
91. Slope Tests. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
92. Two Access Points. A minimum two points of ingress/egress are required or alternative approved by County Fire Department.

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93. **\*\*Regional Transportation Fees.** This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Rialto 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 \$17.02 per square foot for Commercial Use, which includes the 9,900 square foot convenience store a ~~3,000~~ **2,700** square foot quick serve restaurant with drive thru, a ~~2,800~~ **2,600** square foot quick serve restaurant with drive thru, a 5,360 square foot auto fueling canopy, and a 5,560 square foot truck fueling canopy to total ~~26,620~~ **26,120** square feet per the site plan dated ~~4/22/2021~~ **8/3/2021**.

Therefore, the estimated Regional Transportation Fees for the Project is ~~\$453,072.40~~ **444,562.40**. The current Regional Transportation Development Mitigation Plan can be found at the following website: <http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

#### **COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190**

94. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.
95. Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.
96. Water System Certification. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job site.
97. Building Plans. Building plans shall be submitted to the Fire Department for review and approval.
98. Access. The development shall have a minimum of two (2) points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1

##### 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.

##### Multi-Story Road Access Width:

Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height. [F41]

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

99. 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.

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

100. Water Purveyor. Water purveyor shall be **West Valley Water District** or EHS approved.

*\*Mitigation Measures are in Italics*

*\*\*Revised Conditions: Deleted show in strikethrough, added shown in bold*



101. Water Service Verification Letter. 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 will suffice. For information, contact the Water Section at 1-800-442-2283.
102. Existing Wells. If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval
103. Food Establishment Plan Check Required. Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS/Plan Check at: 1-800-442-2283.
104. Preliminary Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.
105. Sewer Service Verification Letter. Method of sewage disposal shall be City of Rialto, or, if not available, EHS approved onsite wastewater treatment system (OWTS). Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).

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

106. Improvements: The applicant shall design their street improvement plans to include the following:

Driveway:

- The driveway located on Cedar Avenue shall be a right in/right out only.
- On Santa Ana Avenue, the westerly driveway shall be right in only, and the easterly driveway shall be an exit only with a sign limiting trucks to left-turn movement.

Cedar Avenue and Santa Ana Avenue:

- Restripe Eastbound and Westbound to include one (1) left-turn pocket and one (1) shared thru-right turn.

107. The total fair share contribution for this project is required based on the final approved traffic report dated 01/20/2021 from Minagar & Associates. The fair share breakdown for these improvements is shown below: 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 \$19,720. 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.

Opening Year Mitigation Cost	
Intersection	Mitigation Type
Cedar Avenue / I-10 Eastbound Ramps	Pay Development Impact Fee (Regional Transportation Fee)
Cedar Avenue / Santa Ana Avenue	Re-Striping (2 Approaches)

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Horizon Year Fair Share Percentage and Cost					
Intersection	Mitigation Type	AM Fair Share Percentage (%)	PM Fair Share Percentage (%)	Mitigation Cost	Project Fair Share
Linden / Slover	Signalization	1.5	3.2	\$600,000	\$19,200
Cedar / Jurupa	Signal Modification	9.4	4.1	\$3,000	\$282
Larch / Jurupa	Re-Striping (1 Approach)	11.9	6.7	\$2,000	\$238
Cedar / El Rivino	Not Applicable	5.6	3.6	Not Applicable	Not Applicable
Total Fair Share Cost =					\$19,720

**COUNTY FIRE DEPARTMENT – Hazardous Materials Division (760) 995-8190/(909) 386-8401**

108. **\*\*Prior to issuance of building permits.** Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to an existing UST system. Plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8401.

“Hazardous Material” means any material that because of its quantity, concentration, physical characteristics or chemical characteristics poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace. Hazardous Materials include but are not limited to, hazardous substances, hazardous waste, or any material which the administering agency has a reasonable basis for believing would be injurious to human health or the environment. Additional information can be found at <http://www.sbctfire.org/ofm/Hazmat/PoliciesProcedures.aspx> or you may contact The Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

**PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

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

109. 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 PROJ-2019-00079
110. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC
111. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
112. 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.
113. Installation of Improvements. All required on-site improvements shall be installed per approved plans.

*\*Mitigation Measures are in Italics*

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114. Truck Parking Signage. Signage shall be posted on site that states "Parking on this site is for customers only. Customers must be with their vehicles at all times, unless patronizing one of the on-site establishments."
115. **\*\*Truck Idling Signage: The Project shall include the installation and maintenance of signage indicating that truck idling for more than five (5) consecutive minutes and truck parking for more than two (2) consecutive hours is prohibited on the Project site.**
116. **\*\*Concrete Wall: The Project shall include a concrete masonry wall along the eastern boundary of the site that is least eight (8) feet in height as measured from the parking lot grade level.**
117. 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.

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

118. The applicant shall construct, at 100% cost to the applicant all roadway improvements as shown on their approved street improvement plans.

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

119. 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.
120. 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**

121. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
122. 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.
123. 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.
124. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.

**COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190**

125. Fire Alarm – Automatic. An automatic fire sprinkler monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
126. 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.
127. 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 plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. 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.

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128. Key Box. An approved Fire Department key box is required. In commercial, industrial, and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.

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

129. 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.

**COUNTY FIRE DEPARTMENT – Hazardous Materials Division (760) 995-8190/(909) 386-8401**

- ~~130. 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/>~~
131. **\*\*Prior to Occupancy a business or facility that handles hazardous materials in quantities at or exceeding 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time or generates any amount of hazardous waste shall obtain hazardous material permits from this department. Prior to occupancy the business operator shall apply for permits (Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit, Underground Storage Tank Permit) or apply for exemption from permitting requirements.**
132. **\*\*Prior to Occupancy an 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/>**

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**PRIOR TO RECORDATION OF PARCEL MAP 20192**

The Following Shall Be Completed

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

133. A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
134. Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
135. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.
136. Review of the Parcel Map by our office is based on actual cost and requires an initial \$3000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
137. A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.

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

138. Reciprocal Access and Parking Easement. A reciprocal access easement shall be recorded to provide legal and physical access, and parking, to all newly created parcels that would result from recordation of PM 20192.

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

139. 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.
140. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.

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

141. 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.

**Santa Ana Avenue (Secondary Highway – 88')**

- Road Dedication. A 14-foot grant of easement is required to provide a half-width right-of-way of 44.
- Curb Returns and Sidewalk Ramps. A 50' minimum radius return grant of easement is required at the intersection of Santa Ana Avenue and Cedar Avenue or as required by the Traffic Division to accommodate the truck turning movement.
- Curb returns and sidewalk ramps shall be designed per County Standard 110. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Street Improvements. Design curb and gutter with match up paving 32 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "B".
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B and located per San Bernardino County Standard 130.
- Additional. All improvements apply to the length of the original parcel.

**Cedar Avenue (Major Highway – 104')**

- Road Dedication. A 7-foot grant of easement is required to provide a half-width right-of-way of 52.
  - 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. 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.
  - Additional. All improvements apply to the length of the original parcel.
142. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
143. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction. Any utility affecting construction shall be relocated as necessary

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without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.

144. Improvement Securities. Any required public road, drainage, WQMP, and/or utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
145. Maintenance Bond. Once all required public road, drainage, WQMP, and/or utility improvements have been constructed and approved, a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.
146. 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.
147. 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.
148. 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.
149. 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.
150. Slope Easements and Tests. Slope rights shall be dedicated, where necessary. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
151. Two Access Points. A minimum two points of ingress/egress are required or alternative approved by County Fire Department.
152. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
153. 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.
154. 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.

END OF CONDITIONS

*\*Mitigation Measures are in Italics*

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# LEGEND:

- CENTERLINE
- - - RIGHT-OF-WAY LINE
- PROPERTY LINE
- PROP. SIDEWALK
- PROP. CURB AND GUTTER
- PROP. SEWER
- PROP. WATER
- PROP. FIRE-WATER
- EXIST. CURB AND GUTTER
- EXIST. EDGE OF PAVEMENT
- EXIST. SINGLE FLOWLINE
- EXIST. FENCE
- EXIST. VEGETATION LINE
- EXIST. SEWER
- EXIST. WATER
- EXIST. FIRE-WATER
- EXIST. UNDERGROUND ELECTRIC
- EXIST. OVERHEAD ELECTRIC
- EXIST. GAS
- INDEX CONTOUR
- INTEGER CONTOUR
- SPOT ELEVATION
- UTILITY POLE
- ★ LIGHT POLE
- METER UTILITY
- POST/BOLLARD
- SIGNS/PLAQS
- VALVE
- FIRE HYDRANT
- LANDSCAPE AREAS
- PATH OF TRAVEL
- PARKING LOT LIGHTS 20 FOOT TALL W/CONCRETE BASE

## ABBREVIATIONS:

- EP EDGE OF PAVEMENT
- TP TOP OF PAVEMENT
- TC TOP OF CURB
- TS FINISHED SURFACE
- BM BACK OF MANHOLE
- PMI PAVEMENT
- FL FLOWLINE
- HP HIGH POINT
- FI FIRE HYDRANT
- PVC POLY-VINYL CHLORIDE
- CO CLEAN-OUT
- PT FINISHED FLOOR
- PE PAID ELEVATION
- AC ASPHALTIC CONCRETE
- AG AGGREGATE BASE
- C&G CURB AND GUTTER
- BCR BEYOND CURB RETURN
- EOR END CURB RETURN
- CDL CENTER LINE
- PROP. PROPOSED
- R/W RIGHT OF WAY
- S/W SIDEWALK
- PL PROPERTY LINE
- PP POWER POLE
- EX EXISTING
- ( ) EXISTING

## UTILITIES:

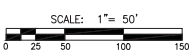
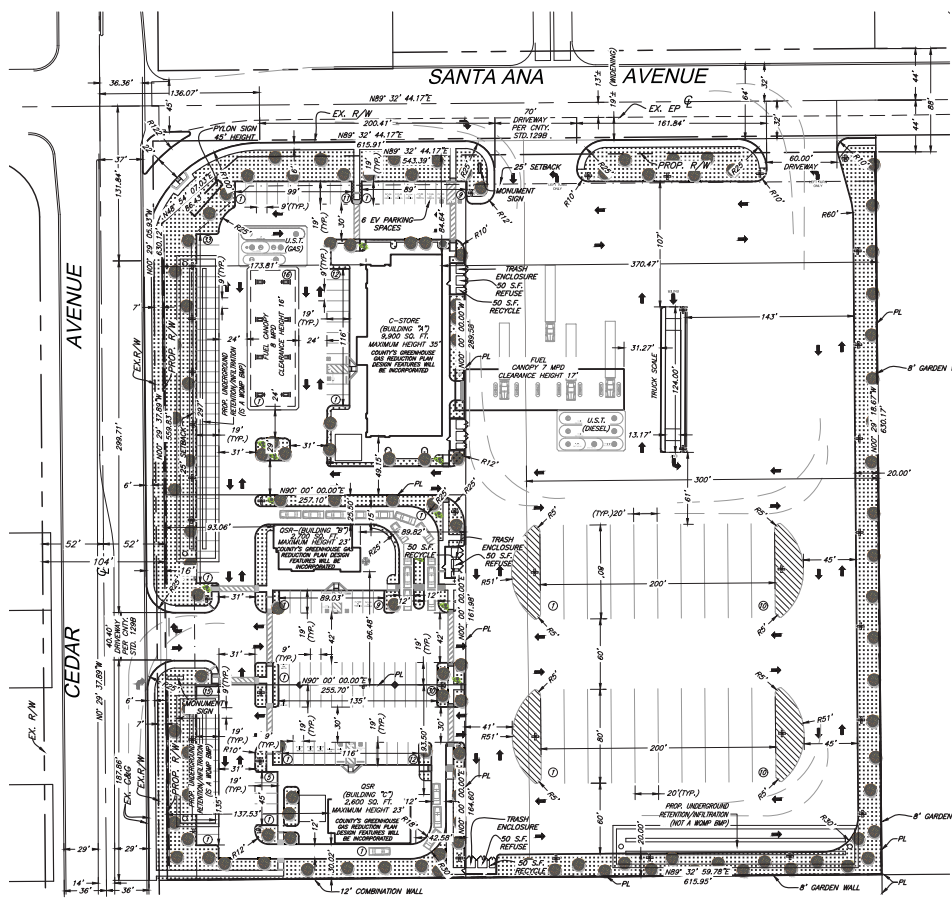
- CABLE TV AND INTERNET:**
  - SPECTRUM 10768 FOOTBALL BLK. 170 855-558-6793
- WASTE DISPOSAL:**
  - BURNING WASTE AND RECYCLING SVCS. 1850 AQUA MANSA RD. RIVERSIDE, CA 92509 951-286-0639
- DOMESTIC WATER:**
  - WEST VALLEY WATER DISTRICT 855 W. BASILINE ROAD RALTO, CA 92376 909-875-1804
- SOUTHERN CALIFORNIA GAS:**
  - 7851 REDWOOD AVE. FONTANA, CA 92326 909-357-6103
- NATURAL GAS:**
  - SOUTHERN CALIFORNIA GAS 9781 SIERRA AVE. FONTANA, CA 92233 909-820-2525
- UNDERGROUND SERVICE AIRT:**
  - WEST VALLEY WATER DISTRICT 855 W. BASILINE ROAD RALTO, CA 92376 909-875-1804

**ORIENTATION AND FLOW (SEE DRAIN LINES)**  
WEST VALLEY WATER DISTRICT  
855 W. BASILINE ROAD  
RALTO, CA 92376  
909-875-1804

**UNDERGROUND SERVICE AIRT**  
DIAL: 811  
FOR INFORMATION ON HOW TO REQUEST A UTILITY LOCATE

# CONDITIONAL USE PERMIT-PLOT PLAN

IN THE UNINCORPORATED COMMUNITY OF BLOOMINGTON, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA  
BEING A SUBDIVISION OF THE WEST 1/4 OF LOT 380, ACCORDING TO MAP SHOWING SUBDIVISION OF LANDS BELONGING TO THE SEMI-TROPIC LAND AND WATER COMPANY, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 11, PAGE 12 OF MAPS, RECORDS OF SAID COUNTY.



NO.	REVISION	APPROVED	DATE	REDACTED	CITY OF COLTON B.M. NO. 502	ELI. GRIFFIN (B.M. 502) 10/20/2021	SEEN BY:	CITY OF COLTON	REDACTED	DATE	PREPARED BY:	MARK CHAPPELL PE	APPROVED BY:	CITY ENGINEER	DATE	COUNTY OF SAN BERNARDINO, CALIFORNIA	FILE NO.	SHEET
																BLOOMINGTON		1
																SQUARE		

**Black Gold Engineering**  
Engineering • Land Survey • Design  
8400 BLOOMINGTON ROAD, BLOOMINGTON, 92303

## PARCEL:

LAND USE: COMMERCIAL  
LOT SIZE: 8.9 ACRES

## LOT COVERAGE:

LOT = 388,157 SQ. FT. (8.9 ACRES)  
15,200 / 388,157 = 0.039 = 3.9%

## PROPOSED BUILDINGS:

BUILDING A: 9,900 SQ. FT. CONVENIENCE STORE W/ 8 MPD  
FUEL STATION & 7 DIESEL BAYS  
BUILDING B: 2,700 SQ. FT. FAST FOOD RESTAURANT W/  
DRIVE THRU  
BUILDING C: 2,600 SQ. FT. FAST FOOD RESTAURANT W/  
DRIVE THRU  
TOTAL BUILDING AREA: 15,200 SQ. FT.

## PARKING ANALYSIS:

BUILDING TYPE	RATIO	AREA	SPACE REQ'D
GENERAL RETAIL	1 / 250 SQ. FT.	9,900 SQ. FT.	40
RESTAURANT	1 / 100 SQ. FT.	2,700 SQ. FT.	27
RESTAURANT	1 / 100 SQ. FT.	2,600 SQ. FT.	26
GAS STATION	1 PER PUMP ISLAND	8 PUMP ISLANDS	8
TRUCK STATION	1 PER PUMP ISLAND	7 PUMP ISLANDS	7

TOTAL PARKING REQUIRED = 108  
TOTAL PARKING PROVIDED = 149  
TOTAL ADA PARKING REQUIRED = 4  
TOTAL ADA PARKING PROVIDED = 6  
TOTAL TRUCK PARKING PROVIDED = 20

## LANDSCAPE COVERAGE:

LANDSCAPE = 63,827 SQ. FT. (1.5 ACRES)  
63,827 / 388,157 = 0.164 = 16.4%

## REGULATED NATIVE TREES OR PLANTS

IN COMPLIANCE WITH COUNTY CODE TITLE 8, DIVISION 8, THE SITE HAS BEEN SURVEYED FOR THE PRESENCE OF REGULATED NATIVE PLANTS AND TREES. AS OF THE TIME OF THIS SURVEY, NO REGULATED NATIVE TREES OR PLANTS ARE FOUND WITHIN 100 FEET OF ANY AREA THAT WILL BE DISTURBED BY A PROPOSED ROADWAY, BUILDING SITE, OR OTHER LAND DISTURBING ACTIVITY ASSOCIATED WITH THIS PROJECT.

## BASIS OF BEARINGS

CCS 83, ZONE 5 CALIFORNIA COORDINATE SYSTEM OF 1983

## COUNTY PLANNING

CONDITIONALLY APPROVED  
DIRECTOR APPROVAL

SITE PLAN / TENTATIVE MAP  
[NOT FOR PERMIT RELEASE]

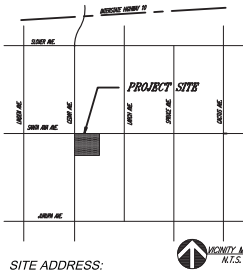
Grading, Building, Occupancy Permits and Map  
Recordation all subject to completion of conditions.

Action Date: 9/9/2021  
Effective Date: 9/21/2021  
Expiration Date: 9/21/2024

Anthony DeLuca/Senior Planner

OFFICIAL USE ONLY

ADelucan  
signature



## SITE ADDRESS:

10951 CEDAR AVENUE  
BLOOMINGTON, CALIFORNIA 92316

## EXISTING ZONING:

RS-1-A SINGLE RESIDENTIAL / ADDITIONAL AGRICULTURAL

## EXISTING LAND USE:

VACANT LOT

## PROPOSED LAND USE:

COMMERCIAL/RETAIL

## LEGAL DESCRIPTION

THE WEST 1/4 OF LOT 380, ACCORDING TO MAP SHOWING SUBDIVISION OF LANDS BELONGING TO THE SEMI-TROPIC LAND AND WATER COMPANY, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 11, PAGE 12 OF MAPS, RECORDS OF SAID COUNTY.  
EXCEPTING THEREFROM:  
THE WEST 1/4 OF LOT 380, ACCORDING TO THE COUNTY OF SAN BERNARDINO, BY DOCUMENT RECORDED MARCH 22, 1987 IN BOOK 4196, PAGE 231 OF OFFICIAL RECORDS.  
GROSS AND NET ACREAGE: (8.9 ACRES)

## ASSESSOR'S PARCEL NO.:

0257-101-01

## APPLICANT

BLACK GOLD BUILDERS GROUP, INC.  
42270 SPECTRUM STREET INDIO, CALIFORNIA 92203  
(760) 396-9200

## PROPERTY OWNER(S)

CHANDLER ENTERPRISES LLC  
42270 SPECTRUM STREET INDIO, CALIFORNIA 92203  
(760) 396-9200



# TOM DODSON & ASSOCIATES

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

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

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



May 5, 2022

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

Dear Sam:

LAFCO SC#484 consists of an application for Extension of Service by the City of Rialto to a single parcel located in the City's southern Sphere of Influence (Sphere). The specific action before the Local Agency Formation Commission (LAFCO) consists of a request by the City of Rialto (City) to extend sewer collection service to a proposed Commercial/Retail Center on an 8.9-acre site located at 10951 Cedar Avenue in the Community of Bloomington. If the Commission approves LAFCO SC#484, the project facilities can be occupied and connect to the City's sewer collection system, which is located adjacent to the project site. Also, if the Commission approves LAFCO SC#484, the project site can move forward with development through the County of San Bernardino (County). See attached map.

The County prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for this project. The Notice of Determination was filed with the County on April 6, 2021. Subsequently an Addendum was published by the County (undated) to clarify certain issues in the original IS/MND. These documents addressed the whole of the project which consisted of a Conditional Use Permit, General Plan Amendment and a Tentative Parcel Map. The Commission gets involved because it must approve the extension of service agreement before the facility can be placed into operation. Therefore, I am recommending that the Commission consider the adopted IS/MND as modified by the Addendum as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO's decision on LAFCO SC#484.

Thus, based on a review of LAFCO SC#484 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 IS/MND/Addendum as adequate environmental documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in 2021, 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#484, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's IS/MND/Addendum and found them adequate for the extension of service proposal contained in LAFCO SC#484.
2. The Commission needs to indicate that it has considered the IS/MND/Addendum prior to reaching a decision on the project before it and finds the information substantiating these documents adequate for approval of the extension of service proposal contained in LAFCO SC#484.

3. The Commission should indicate that it does not intend to adopt alternatives or mitigation measures for this project. Ten mitigation measures were required for this project, and the County will implement these mitigation measures and Conditions of Approval established with approval of the three entitlements authorized for this project.
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

## Notice of Determination

**To:**

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

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

**From:**

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

Contact: Anthony DeLuca  
Phone: 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): SCH 2020090454 \_\_\_\_\_

Project Title: Bloomington Center

Project Applicant: Chandi Enterprises, LLC

Project Location (include county): 10951 Cedar Avenue, Bloomington, CA, San Bernardino County

**Project Description:** A Conditional Use Permit and Tentative Parcel Map, and Zone Amendment for a Commercial/Retail Center to include a 7-pump truck fueling canopy, an 8-pump auto fueling canopy, a 9,900 square foot convenience store, a 3,000 square foot quick service drive-thru restaurant and a 2,800 square foot quick service drive thru restaurant, on 8.9 acres in the Community of Bloomington.

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

above-described project on April 6, 2021 and has made the following determinations.

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 Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ ☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ ☐ was ☒ was not] adopted for this project.
5. A statement of Overriding Considerations [ ☐ was ☒ was not] adopted for this project.
6. Findings [ ☒ were ☐ were not] made pursuant to the provisions of CEQA.

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

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

Signature (Public Agency):  Title: Planning Director  
Heidi Daron

Date: 04/06/2021 Date Received for filing at OPR: \_\_\_\_\_

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

DATE FILED & POSTED  
Posted On: 04/08/2021

Removed On: 05/21/2021

Receipt No: 36-04082021-190

Revised 2011

CLERK OF THE  
BOARD OF SUPERVISORS  
2021 APR -8 PM 2:13  
COUNTY OF SAN BERNARDINO  
CALIFORNIA

# Addendum to the Draft IS-MND for the Bloomington Center Project

This Addendum to the Draft Initial Study – Mitigated Negative Declaration (IS-MND) has been prepared by Rincon Consultants, Inc. for the County of San Bernardino (County) for the P-2019-00079 Bloomington Center Project (project) located at 10951 Cedar Avenue, Bloomington, San Bernardino County, California. This Addendum has been prepared to provide clarification on several topics in the Draft IS-MND. The Draft IS-MND was circulated for a 30-day public review period that began on October 14, 2020 and ended on November 13, 2020.

## IS-MND Clarifications

### Clarification #1

On Page 2, the IS-MND project description notes that no development would occur on Lots 4 and 5, but the site plan shows development of a surface parking lot and on-site vehicular circulation drive aisles.

The project description would be modified as follows:

3. A Tentative Parcel Map (TPM) to divide the parcel into 6 commercial lots:
  - Lot 1: 9,900 sf. Convenience Store and 8 pump Fuel Station – 1.47 acres
  - Lot 2: 3,000 sf. Quick Serve Drive-thru Restaurant – 0.80 acres
  - Lot 3: 2,800 sf. Quick Serve Drive-thru Restaurant – 1.03 acres
  - Lot 4: ~~No Development~~ On-site vehicular drive aisle - 0.83 acres
  - Lot 5: ~~No Development~~ On-site truck parking – 0.57 acres
  - Lot 6: Truck fuel canopy with 6 pumps, truck scale and fuel tanks – 3.74 acres

This clarification does not alter the conclusions of the IS-MND.

### Clarification #2

Beginning on Page 27, a discrepancy between the maximum annual throughput of 3.6 million gallons of gasoline per year used in the VOC emissions calculations and 2.5 million gallons per year used in the gasoline dispensing facility screening health risk assessment was noticed.

As described in detail in the air quality study, the air quality analysis prepared for the project includes separate calculations for VOC emissions from the proposed gasoline dispensing facility because the CalEEMod does not report VOC emissions created from the transfer and dispensing of gasoline. The VOC emissions calculations are based on the methodology provided in the California Air Pollution Control Officers Association (CAPCOA) *Gasoline Service Station Industrywide Risk Assessment Guidelines* and provide a reasonable worst-case emissions scenario. Section 6.2, *Gasoline Transfer and Dispensing VOC Modeling*, of the air quality study erroneously states that the 4,572 pounds (lbs) per year of VOC emissions would result in 9.94 lbs per day of VOC emissions from gasoline transfer and dispensing. The corrected daily VOC emissions from gasoline dispensing and transfer would equal approximately 12.53 lbs per day (4,572 lbs per year/365 days).

The VOC emissions calculations described above were prepared to more accurately compare the project's anticipated operational emissions to SCAQMD's operational VOC criteria pollutant threshold. For the purposes of analyzing project health risk impacts, however, SCAQMD's RiskTool V1.103 was used. The RiskTool V1.103 is a spreadsheet tool used to provide health risk screening values for various emissions sources, including gasoline dispensing facilities. By their nature, screening tools are intended to provide a conservative assessment of potential health risks in order to determine whether more refined, site-specific analysis is warranted. The RiskTool V1.103 analyzes health risks from gasoline dispensing facilities based on annual throughput, regional meteorological data, and the distance of receptors from the proposed facility. Receptors are conservatively assumed to be downwind of emissions sources. The RiskTool V1.103 does not require project-specific VOC emissions to determine its conservative, screening-level health risk value. As noted in the air quality study and under Threshold c of Section III, *Air Quality*, of the Draft IS-MND, the screening analysis for the gas station determined that potential health risks at the nearest receptor would remain below SCAQMD's health risk thresholds and a refined HRA for the gas station is not warranted. For this reason, the gasoline transfer and dispensing VOC emissions calculated in support the criteria pollutant analysis are not necessary to assess potential health risk from the gasoline dispensing facility.

The screening health risk value for the gasoline dispensing facility reported in the air quality study and Draft IS-MND was correctly based on a distance of 60 meters (146 feet) to the nearest receptor and the Fontana meteorological station. Additionally, the anticipated annual throughput of the gasoline dispensing facility has been revised in the screening analysis to be 3.6 million gallons per year, resulting in an increase in the screening-level maximum incremental cancer risk from 2.56 in one million to 3.68 in one million. Nevertheless, this value remains below SCAQMD's health risk threshold of 10 in one million. As such, the conclusions of the IS-MND have not changed, and impacts would remain less than significant.

This clarification does not alter the conclusions of the IS-MND.

### **Clarification #3**

Under Question d., Section IX., *Hazards and Hazardous Materials*, the IS-MND states that it was determined the project site is not included on existing lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Upon additional review of DTSC's EnviroStor database, the project site is listed on EnviroStor as part of a larger site located between Cedar Avenue and Larch Avenue (40 acres, High School – Cedar Avenue [36010018]). The High School – Cedar Avenue site was listed due to prior agricultural uses that may have used pesticides or herbicides containing heavy metals, carbamates and urea, organophosphates, and/or organochlorine compounds. However, the cleanup status of the High School – Cedar Avenue site is listed as "No Further Action as of 5/30/2002." DTSC issued a letter, dated May 30, 2002, confirming "neither an actual or potential release of hazardous materials nor the presence of a naturally occurring hazardous material, which would pose a threat to human health or the environment under unrestricted land use, was indicated at the site. The PEA [Preliminary Endangerment Assessment] concludes that a further investigation of the site is not required."

This comment does not alter the conclusions of the IS-MND that the project would have a less than significant impact on hazardous emissions or materials to schools located within 0.25 mile of the project site and that the project would have no impact on hazardous sites identified on the Cortese List.

## Clarification #4

Traffic noise is discussed in Question a) of Section XIII., *Noise*, of the IS-MND. An error was discovered in the calculation of the traffic noise value for Santa Ana Avenue, east of Cedar Avenue. In the previous calculations, 120 percent of project traffic was assigned to this segment, leading to much higher noise levels than any other segment analyzed. This was an overestimate and unrealistic noise contribution from the project. In rereviewing Figure 9 of the traffic report,<sup>1</sup> it was determined that 50 percent of project traffic would travel on this segment. The noise levels for this segment have been revised as shown in Table 1. This comment does not alter the conclusions of the IS-MND that the project would have a less than significant impact from traffic noise.

**Table 1 Revised Traffic Noise Levels For Santa Ana Avenue, East of Cedar Avenue**

dBA CNEL								
Existing	Existing + Project	Increase	Opening Year 2021	Opening Year 2021 + Project	Increase	Horizon Year 2040	Horizon Year 2040 + Project	Increase
56.2	58.3	2.1	57.6	59.2	1.6	62.3	62.9	0.6

<sup>1</sup> Final Traffic Impact Study for the Bloomington Commercial Center, Minagar & Associates, Inc. June 2020

## 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:**

<b>APNs:</b>	0257-101-01	<b>USGS Quad:</b>	USGS 7.5 Minute Fontana, California
<b>Applicant:</b>	Anda C. Alvillar, Project Manager Black Gold Engineering Chandi Group, USA 42270 Spectrum Street Indio, California 92203-9513	<b>T, R, Section:</b>	Section 27, Township 1 South, Range 5 West
<b>Location</b>	10951 Cedar Avenue, Bloomington, San Bernardino County, California 92316		
<b>Project No:</b>	2019-00079	<b>Community Plan:</b>	Bloomington Community Plan
<b>Rep</b>	5 <sup>th</sup> Supervisorial District	<b>LUZD:</b>	Bloomington Community Plan/Regional Industrial
<b>Proposal:</b>	Conditional Use Permit including a General Plan Amendment and Tentative Parcel Map to divide the parcel into 6 commercial lots. The project includes the development of the following three buildings: 9,900 square foot (sf) convenience store with eight multi-product fuel dispensers (mpd) and seven diesel bays; 3,000 sf fast-food restaurant with drive through; and 2,800 sf fast-food restaurant with drive through. Parking includes 143 spaces for cars and 33 for trucks.	<b>Overlays:</b>	

### **PROJECT CONTACT INFORMATION:**

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

**Contact person:** Anthony DeLuca, Senior Planner  
**Phone No:** (909) 387-3067      **Fax No:** (909) 387-3223  
**E-mail:** [anthony.deluca@lus.sbcounty.gov](mailto:anthony.deluca@lus.sbcounty.gov)

**Project Sponsor** Anda C. Alvillar, Project Manager  
Black Gold Engineering  
Chandi Group, USA  
42270 Spectrum Street  
Indio, California 92203-9513



## **PROJECT DESCRIPTION AND LOCATION:**

### ***Project Description***

The project consists of the following components:

1. A Conditional Use Permit (CUP) to construct and operate a commercial center to include 9,900 square foot (sf) convenience store with eight multi-product fuel dispensers (mpd) and seven diesel bays; 3,000 sf fast-food restaurant with drive through; and 2,800 sf fast-food restaurant with drive through. Parking includes 143 spaces for cars and 33 for trucks. Figure 3 shows the site plan for the proposed project.
2. A General Plan Amendment (GPA) to change the land use/zoning of the 8.9 acre parcel from Bloomington/Single Residential-one acre minimum with Additional Agriculture (BL/RS-1/AA) to Bloomington/ General Commercial (BL/CG). This parcel has been identified as one to be changed to (CG) with the adoption of the Countywide Plan (CWP) update, which is scheduled for Board of Supervisors hearing on October 27, 2020. Should the Board approve the CWP, this GPA would not be necessary.
3. A Tentative Parcel Map (TPM) to divide the parcel into 6 commercial lots. Figure 4 shows the TPM for the proposed project
  - Lot 1: 9,900 sf. Convenience Store and 8 pump Fuel Station – 1.47 acres
  - Lot 2: 3,000 sf. Quick Serve Drive-thru Restaurant – 0.80 acres
  - Lot 3: 2,800 sf. Quick Serve Drive-thru Restaurant – 1.03 acres
  - Lot 4: No Development - 0.83 acres
  - Lot 5: No Development – 0.57 acres
  - Lot 6: Truck fuel canopy with 6 pumps, truck scale and fuel tanks – 3.74 acres

### ***Location***

The approximately 8.9-acre project site is located in the southeast corner of Santa Ana Avenue and Cedar Avenue in the community of Bloomington within unincorporated San Bernardino County, California. The project site is located within the City of Rialto Sphere of Influence and the Bloomington Community Plan approximately 0.8 mile south of Interstate 10 (I-10), 5.5 miles west of Interstate 215 (I-215), and approximately 3.5 miles north of State Route 60 (SR-60). The Assessor Parcel Number for the project site is 0257-101-01. Figure 1 shows the location of the site in the region, and Figure 2 shows the project site in its neighborhood context. Photographs of the site are also included below.

The project site is approximately 2.3 miles southeast of the Kaiser Permanente Fontana Medical Center, 3.4 miles north of the Santa Ana River, 4.5 miles north of the Flabob Airport, 6.7 miles northwest of the University of California, Riverside, and 6.5 miles north of downtown Riverside. Access to the project site is provided from Cedar Avenue and Santa Ana Avenue. Regional access to the project site would be provided via the Cedar Avenue exit from I-10, or south from the City of Riverside via Cedar Avenue.

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

<b>Existing Land Use and Land Use Zoning Districts</b>		
<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Zoning District</b>
<b>Project Site</b>	Gas station, convenience store, restaurant	Bloomington/Single Residential - 1 acre minimum lot size - additional Agriculture (BL/RS-1-AA).
North	Single-family Residences/Vacant land	Bloomington/Multiple Residential (BL/RM), Bloomington/Neighborhood Commercial (BL/CN)
South	Vacant	Bloomington/Single Residential - 1 acre minimum lot size - additional Agriculture (BL/RS-1-AA).
East	Vacant	Bloomington/Single Residential - 1 acre minimum lot size - additional Agriculture (BL/RS-1-AA).
West	Vacant	Bloomington/General Commercial-Sign Control primary (BL/CG-SCp)

### ***Project Site Location, Existing Site Land Uses and Conditions***

The approximately 8.9-acre project site is located in the southeast corner of Santa Ana Avenue and Cedar Avenue in the community of Bloomington within unincorporated San Bernardino County, California. The project site is located within the City of Rialto Sphere of Influence and the Bloomington Community Plan approximately 0.8 mile south of Interstate 10 (I-10), 5.5 miles west of Interstate 215 (I-215), and approximately 3.5 miles north of State Route 60 (SR-60).

The site is currently zoned Bloomington/Single Residential - 1 acre minimum lot size - additional Agriculture (BL/RS-1-AA). Which would require the application of a General Plan Amendment to change the zone to General Commercial in order for the proposed project to be an allowed use. Currently the Draft Countywide Plan which is in review has identified this parcel as one to be rezoned to General Commercial to be consistent with the surrounding development along Cedar Avenue. Should the Countywide Plan be approved as proposed, the General Plan Amendment requirement for this project would not be necessary.

The project site is currently vacant land surrounded on the east and south boundaries by vacant land. A mobile home park exists to the north across Santa Ana Avenue, and there is commercial development across Cedar Avenue to the west.

### **ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES**

Federal: None

State of California: California Department of Fish and Wildlife

County of San Bernardino: Land Use Services Department-Building and Safety, Public Health-Environmental Health Services, Special Districts, and Public Works

Regional: South Coast Air Quality Management District, California Regional Water Quality Control Board, Santa Ana Region – Santa Ana Region

Local: City of Rialto

## **Site Photographs**



Photo 1: View of non-native grassland from the eastern site boundary, facing southwest.



Photo 2: View from western site boundary, facing northeast.

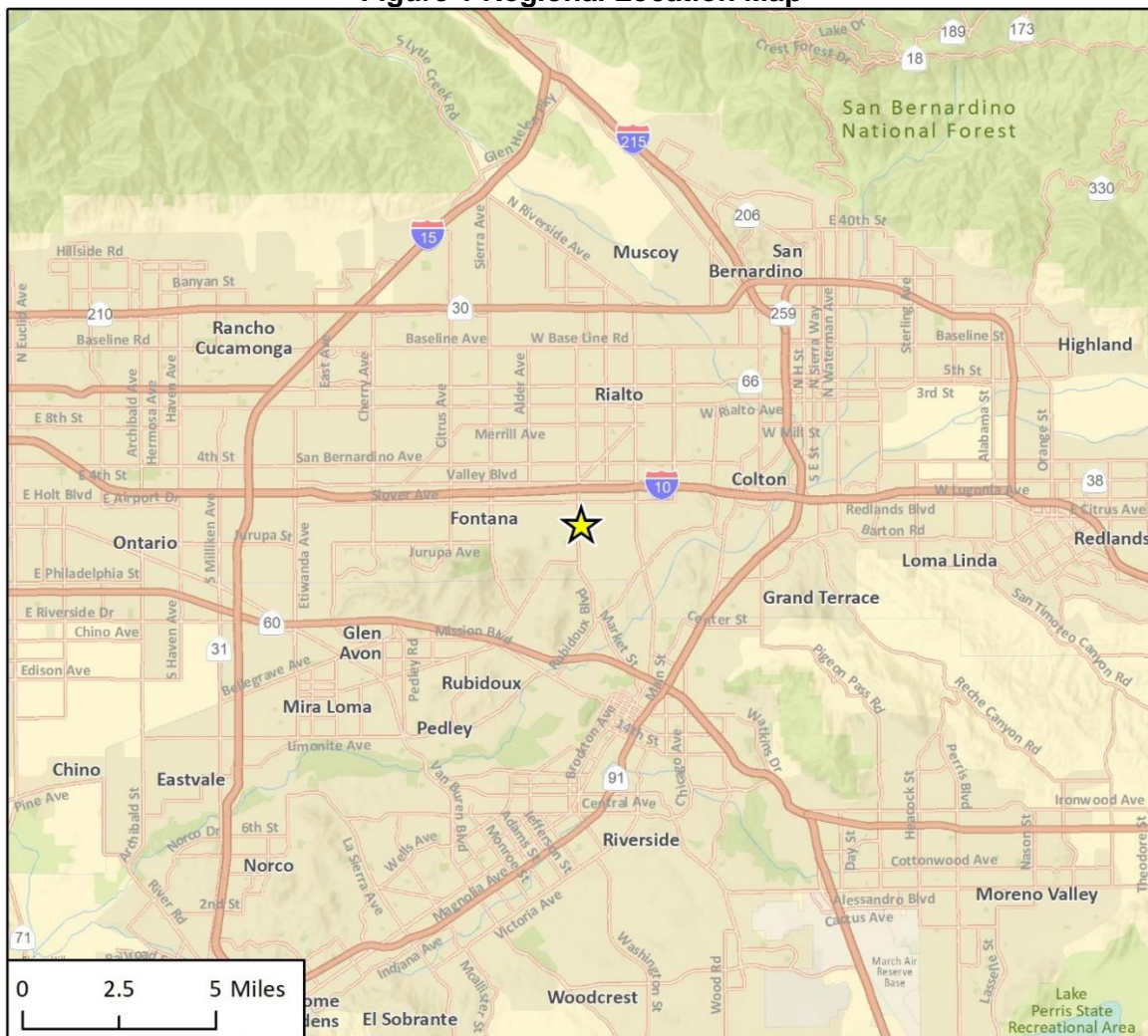


Photo 3: View along the eastern site boundary, facing southwest.

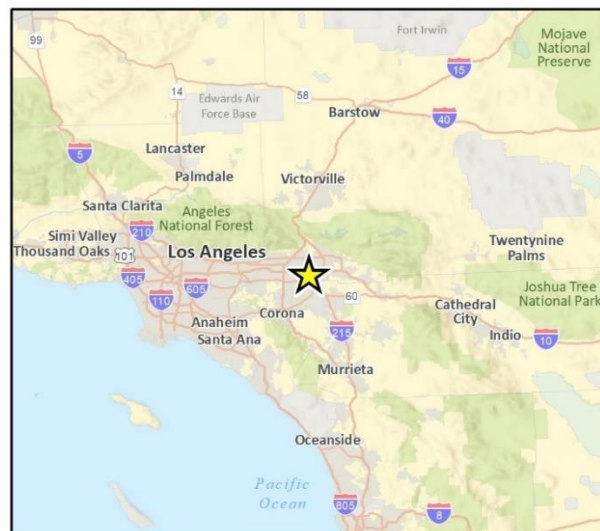
Source: Bloomington Gas Station Project Biotic Resources Report, Rocks Biological Consulting, January 2020



### Figure 1 Regional Location Map



Imagery provided by Esri and its licensors © 2020.



**Figure 2 Project Vicinity Map**

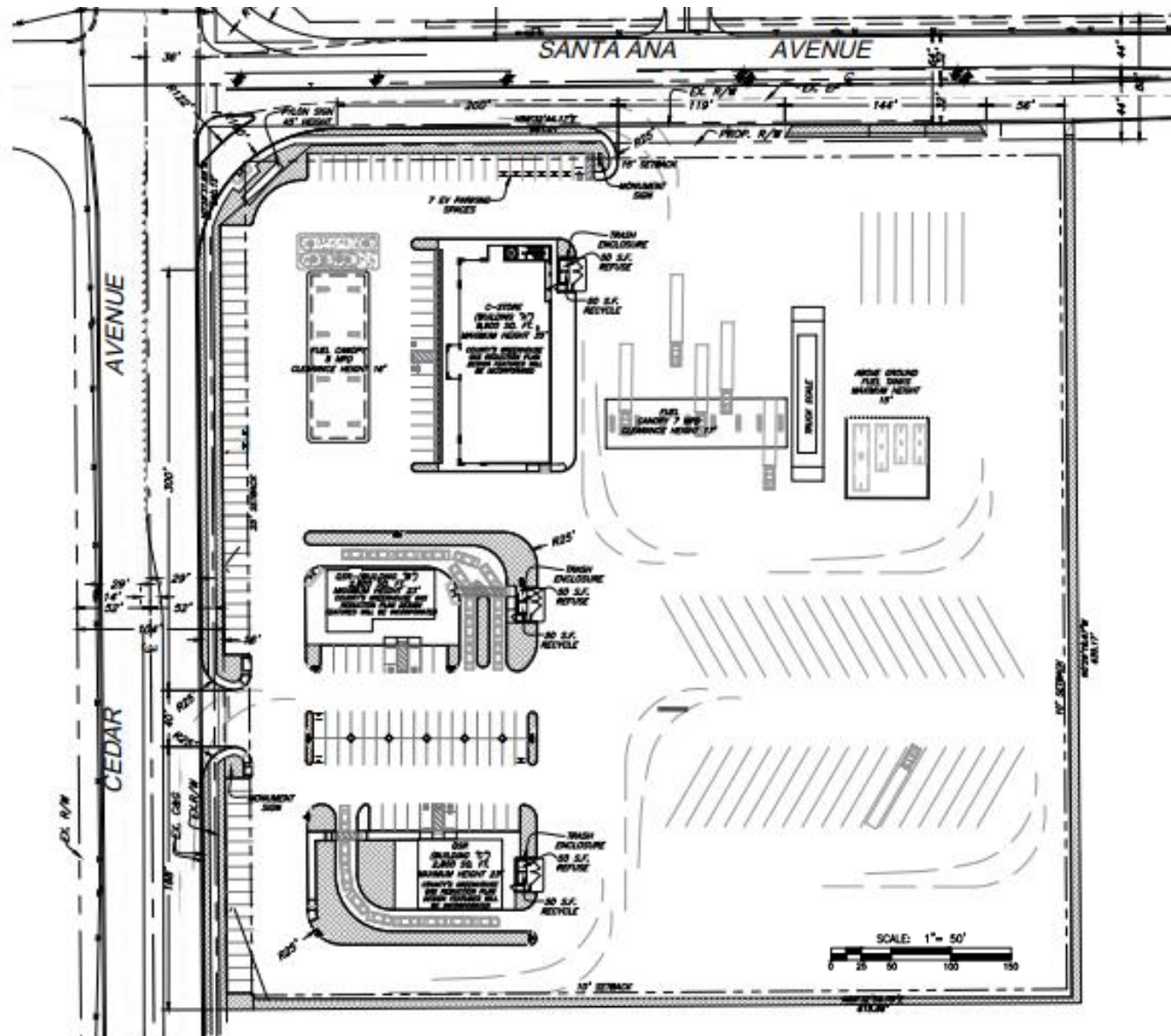


Imagery provided by Microsoft Bing and its licensors © 2020.

Fig. 2 Project Location



Figure 3 Site Plan





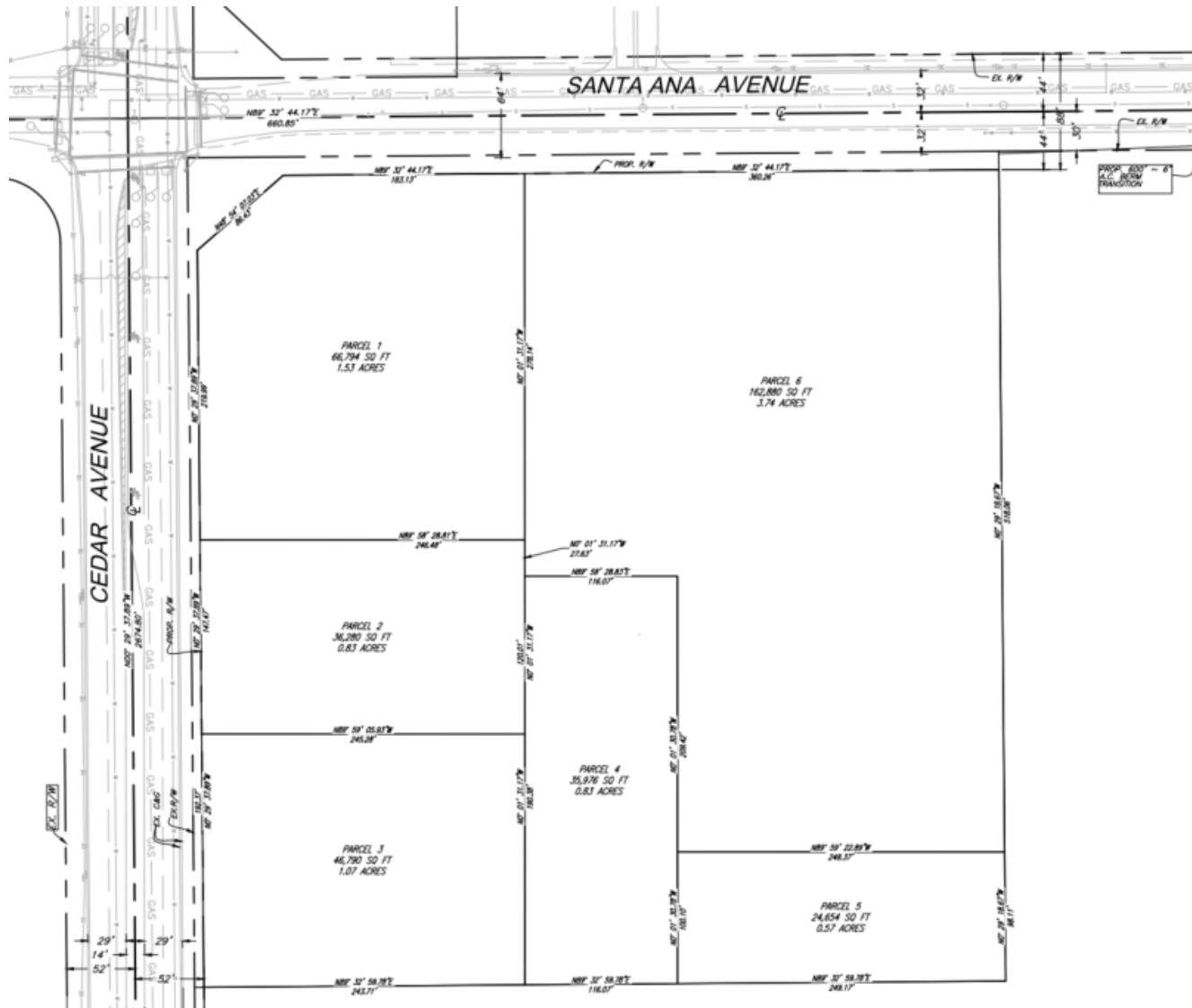


Figure 4 Tentative Parcel Map

## **CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES**

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

Assembly Bill (AB) 52 took effect on July 1, 2015. AB 52 requires a lead agency to make best efforts to avoid, preserve, and protect tribal cultural resources.

Prior to the release of the CEQA document for a project, AB 52 requires the lead agency to initiate consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested the lead agency, in writing, to be informed by the lead agency through formal notification of proposed project in the geographic area that is traditionally and through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

Tribal consultation request letters were sent on February 11, 2020 to eight (8) tribes that have been identified as having ancestral territory in the Project area, or that have specifically requested notification of all projects in development in the County. Those tribes include the San Manuel Band of Mission Indians (SBMI), Morongo Band of Mission Indians, Gabrieleno Band of Mission Indians, San Gabriel Band of Mission Indians, Fort Mojave Indian Tribe, Colorado River Indian Tribe (CRIT), Soboba Band of Luiseno Indians, and Twenty-Nine Palms Band of Mission Indians.

Response letters/emails were received from two (2) of the tribes including SBMI, Gabrieleno-Kizh Nation. The Gabrieleno was the only tribe to request formal consultation. Consultation took place on July 7, 2020. Concerns for disturbance of culturally significant finds were elevated as the area has been identified as a heavily occupied by the tribe. However, it was discovered that the site contained several feet of fill material that was not native to the site. Depth of grading as well as the origin of the fill materials were raised as concerns. Consultation has been completed with the receipt of requested mitigation and monitoring measures included herein. Notification of a potential General Plan Amendment for the parcel was also sent to the Native American Heritage Commission (NAHC) as required by SB 18.

The San Manuel tribe did not request formal consultation but sent correspondence stating that the Project exists within Serrano ancestral territory and therefore, is of interest to the tribe. However, due to the disturbed nature of the location, they did not have any concerns with the project's implementation as planned.

PaleoWest Archaeology contacted the NAHC, as part of the Cultural Resource Assessment, on January 10, 2020, for a review of the SLF. The objective of the SLF search was to determine if the NAHC had any knowledge of Native American cultural resources (e.g., traditional use or gathering area, place of religious or sacred activity, etc.) within the immediate vicinity of the project area. The NAHC responded on January 24, 2020, stating that the SLF was completed with negative results; however, the NAHC requested that 22 individuals representing 18 Native American tribal groups be contacted to elicit information regarding cultural resource issues related to the proposed project. PaleoWest sent outreach letters to the 18 recommended tribal groups on January 27, 2020.

- Agua Caliente Band of Cahuilla Indians

- Augustine Band of Cahuilla Mission Indians
- Cabazon Band of Mission Indian
- Cahuilla Band of Indians
- Gabrieleno Band of Mission Indians - Kizh Nation
- Gabrieleno/Tongva San Gabriel Band of Mission Indians
- Gabrielino /Tongva Nation
- Gabrielino Tongva Indians of California Tribal Council
- Gabrielino-Tongva Tribe
- Los Coyotes Band of Cahuilla and Cupeño Indians
- Morongo Band of Mission Indians
- Ramona Band of Cahuilla
- San Fernando Band of Mission Indians
- San Manuel Band of Mission Indians
- Santa Rosa Band of Cahuilla Indians
- Serrano Nation of Mission Indians
- Soboba Band of Luiseno Indians
- Torres-Martinez Desert Cahuilla Indians

The Gabrieleno/Tongva San Gabriel Band of Mission Indians and the Serrano Nation of Mission Indians requested to be notified if any cultural resources are encountered during construction. The Gabrielino Tongva Indians of California Tribal Council requested to be notified if any cultural resources or human remains are encountered during construction regardless of the designated Most Likely Descendant (MLD). Specifically, the tribe requested that the following language be included in the report; "In the event that cultural resources (artifacts or artifacts pertaining to the Tongva people) are impacted or encountered, the Gabrielino Indians of California would like to be notified. In the event that human remains are impacted or encountered and identified by the Coroner as indigenous ancestors, the Gabrielino Indians of California would like to be notified, regardless of the designated MLD, by email and phone." The Agua Caliente Band of Cahuilla Indians, Cabazon Band of Mission Indians, Santa Rosa Band of Cahuilla Indians all indicated the project area is not within their tribe's Traditional Use Area and deferred to local tribes in the area of the project. The San Fernando Band of Mission Indians and Soboba Band of Luiseno Indians specifically deferred to the San Manuel Band of Mission Indians and the Torres Martinez Desert Cahuilla Indians deferred to the Soboba Band of Luiseno Indians.

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

## **EVALUATION FORMAT**

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of an Initial Study is guided by Section 15063 of the State CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 20 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact
--------------------------------	--	-----------------------	-----------

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

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

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

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION:** (To be completed by the Lead Agency)

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

<input type="checkbox"/>	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or 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.

A DeLuca Jr  
Signature: (prepared by Name, Planner)

Chandi Group  
Signature: (Name, Supervising Planner)

9/22/2020  
Date

9-22-2020  
Date

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

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

***San Bernardino General Plan, 2007; Submitted Project Materials***

- a) The project is located at the southeast corner of Cedar Avenue and Santa Ana Avenue. Looking north and northeast across the site, the San Bernardino Mountains are visible in the background and form a prominent, distinctive feature that visually orients residents and visitors to the regional setting. The project proposal consists of a convenient store, fuel stations, diesel bays, and two restaurants. Monument signs would be placed on Cedar Avenue and Santa Fe Avenue. The project area is surrounded by residential uses to the north, vacant land to the south and east, commercial uses to the west, and is located within the boundaries of the Bloomington Community Plan.

No roadways within the Bloomington Community Plan area are eligible for designation as a scenic route under the California Scenic Highway Program as identified by the California Department of Transportation (Caltrans) (2019) and no surrounding roadways are identified as a scenic highway/route on the San Bernardino General Plan. The Bloomington Community Plan identifies Cedar Avenue from Bloomington Avenue to the Riverside County line, which the site is within, as a designated Scenic Route and states that “steps have been taken to ensure that these corridors are protected from the aggressive development of intrusive land uses such as advertising infrastructure



(billboards, etc.) and roadway services (convenience stores, gas stations, etc.)” (City of Bloomington 2007). Any proposed development along a designated scenic route is required to meet specific standards regarding sign placements and dimensions, utility placement, architectural design, grading and landscaping characteristics. The project site is located on Cedar Avenue and would introduce roadway services along this scenic route.

Similar development to the project along the Scenic Route includes convenience stores approximately 0.1 mile west and 0.5 mile north, and a gas station approximately one mile north. There are also numerous commercial and industrial uses along Cedar Avenue that have similar aesthetics to the proposed project. This includes Bloomington Tire and a Mexican restaurant across Cedar Avenue; a Dollar Tree, Mexican restaurant, smog center, and recycling center across the Cedar Avenue and Santa Ana Avenue intersection; and a large warehouse and transportation facility south on Cedar Avenue. The project would not adversely impact the existing visual character of the area, would be consistent with surrounding uses, and is not identified as a scenic route/highway on the County of San Bernardino General Plan. Project design would be approved by the San Bernardino County Planning Department and would be consistent with the design standards required by the Bloomington Community Plan. In addition, the project would achieve Goal BL/LU 3 of the Bloomington Community Plan, which states that commercial and industrial development within the plan be compatible with surrounding uses and meet the needs of local residents. Therefore, because the proposed project would be similar to other uses in the area, it would have a less than significant impact.

#### **Less Than Significant Impact**

- b) Project construction would not damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings. In addition, the project site is not located in or adjacent to a designated state scenic highway (Caltrans 2019). Therefore, no impact associated with a state scenic highway would occur.

#### **No Impact**

- c) The project site is located on an undeveloped vacant parcel in an urbanized area and is currently zoned Bloomington/Single Residential one-acre minimum/Additional Agriculture (BL/RS-1-AA) per the County of San Bernardino Development Code, which allows for single residential and limited agriculture uses. The project proposal includes a General Plan Amendment to change the zoning to General Commercial, which would then be consistent with the proposed commercial and retail uses. However, the proposed Countywide Plan which is under review and scheduled for public hearing on September 17, 2020, has identified this parcel as one to be changed to General Commercial upon approval, in which case a General Plan Amendment would not be necessary. In addition, a Conditional Use Permit has been submitted which would allow for the proposed uses.

As described in Section I.a, the project site exists on a Scenic Route designated by the Bloomington Community Plan, which restricts development by requiring specific standards regarding sign placements and dimensions, utility placement, architectural design, grading and landscaping characteristics. Cedar Avenue is not identified as a scenic highway/route on the County of San Bernardino General Plan.

Similar development to the project along the Scenic Route includes convenience stores approximately 0.1 mile west and 0.5 mile north, and a gas station approximately one

mile north. There are also numerous commercial and industrial uses along Cedar Avenue that have similar aesthetics to the proposed project. This includes Bloomington Tire and a Mexican restaurant across Cedar Avenue; a Dollar Tree, Mexican restaurant, smog center, and recycling center across the Cedar Avenue and Santa Ana Avenue intersection; and a large warehouse and transportation facility south on Cedar Avenue. The project would not adversely impact the existing visual character of the area, would be consistent with surrounding uses, and is not identified as a scenic route/highway on the County of San Bernardino General Plan. Project design would be approved by the San Bernardino County Planning Department and would be consistent with the design standards required by the Bloomington Community Plan. In addition, the project would achieve Goal BL/LU 3 of the Bloomington Community Plan, which states that commercial and industrial development within the plan be compatible with surrounding uses and meet the needs of local residents. Therefore, because the proposed project would be similar to other uses in the area, it would have a less than significant impact

#### **Less Than Significant Impact**

- d) The project is subject to Chapter 83.07, Glare and Outdoor Lighting, of the County Development Code which regulates outdoor lighting practices and systems to ensure light pollution, glare, light trespass, and degradation of the nighttime visual environment are minimized. Chapter 83.07 requires that lighting of commercial and industrial uses be fully shielded to preclude light pollution and trespass. Required shielding, which would be detailed during the building permit and inspection phase of the development, would ensure the project does not create a new source of substantial light or glare.

The project site is surrounded by similar development, which emits daytime and nighttime light in the area. Project lighting would be similar to that of surrounding development and implementation of the project would not significantly increase the ambient lighting in the project vicinity. Therefore, the project would have a less than significant impact with respect to light and glare.

#### **Less Than Significant Impact**

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

	<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>II.</b>	<b>AGRICULTURE AND FORESTRY RESOURCES</b> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				

- |    |   |                          |                          |                          |                                     |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

**San Bernardino County General Plan, 2007; California Department of Conservation Farmland Mapping and Monitoring Program; Submitted Project Materials**

- a) The project site does not currently have agricultural use or activity. The project site and immediate surrounding areas are built up urban land and not designated Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance, according to the Department of Conservation (DOC) Farmland Mapping and Monitoring Program (DOC 2020). No impact would occur.
- No Impact**
- b) The project site is zoned Bloomington/Single Residential - 1 acre minimum lot size - additional Agriculture (BL/RS-1-AA). RS-1, which allows limited agricultural uses. The project site does not currently have any agricultural use or activity, and is not designated Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. The project would not be located in an area with a Williamson Act contract (DOC 2020). The area surrounding the project site is not used for agriculture, and recent developments patterns have resulted in removal of agriculture development for commercial and industrial uses. The project's proposed commercial zoning would allow for the project site to be developed in a similar fashion to other properties in the area. No impact would occur.

**No Impact**

- c-d) The project site is in an urbanized area in Bloomington. Neither the project site nor surrounding parcels are zoned for forest land, timberland, or timberland production. It would not result in the loss of forest land or conversion of forest land to non-forest land. No impact would occur.

**No Impact**

- e) The project site is in an urbanized area in Bloomington that is not currently used for agriculture or forest land. It would not result in the loss of forest land or farmland, or conversion of forest land or farmland, to non-forest land or non-farmland. No impact would occur.

**No Impact**

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

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>III. AIR QUALITY</b> - Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** *(Discuss conformity with the Mojave Desert Air Quality Management Plan, if applicable):*

**San Bernardino County General Plan, 2007; Submitted Project Materials; Appendix A – Air Quality, Greenhouse Gas Emissions and Health Risk Assessment Impact Analysis for the Bloomington Commercial Center Project, Rincon Consultants, Inc. 2020**

**Air Quality Standards and Attainment**

The project site is located in the South Coast Air Basin (SCAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAB includes Orange

County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties, in addition to the San Geronio Pass area in Riverside County. The regional climate in the SCAB is semi-arid and is characterized by warm summers, mild winters, infrequent seasonal rainfall, moderate daytime onshore breezes, and moderate humidity.

Air pollutant emissions in the SCAB are generated by both stationary and mobile sources. Stationary sources can be divided into two major subcategories: point and area sources. Point sources occur at a specific location and are often identified by an exhaust vent or stack. Examples include boilers or combustion equipment that produce electricity or generate heat. Area sources are widely distributed and include such sources as residential and commercial water heaters, painting operations, lawn mowers, agricultural fields, landfills, and some consumer products. Mobile sources refer to emissions from motor vehicles, including tailpipe and evaporative emissions, and are classified as either on-road or off-road. On-road sources may be legally operated on roadways and highways. Off-road sources include aircraft, ships, trains, and self-propelled construction equipment. Air pollutants can also be generated by the natural environment, such as when high winds suspend fine dust particles.

The Clean Air Act (CAA) is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes the U.S. Environmental Protection Agency (USEPA) to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants (USEPA 2017). Under the federal CAA, the USEPA establishes health-based air quality standards that all states must achieve. The California CAA also establishes requirements for cities and counties to meet. SCAQMD was created by the state legislature to facilitate compliance with the federal CAA and to implement the state air quality program (SCAQMD 2019).

As the local air quality management agency, the SCAQMD is required to monitor air pollutant levels to meet state and federal air quality standards and, if they are not met, to develop strategies to meet the standards. If the SCAQMD standards for pollutant levels are met or exceeded, the SCAB is classified as being in “attainment” of those levels. If the standards for pollutant levels are not met, the SCAB is classified as being in “nonattainment.” At the time of designation, if the available data does not support a designation of attainment or nonattainment, the area is designated as “unclassifiable.”

The SCAB is in attainment of the 1-hour and 8-hour ozone NAAQS as well as the latest 24-hour and annual PM<sub>2.5</sub> standards. The 1-hour ozone standard is measured by the average number of days per year with maximum hourly concentrations of pollutants during the most recent three-year period. The 8-hour ozone standard is measured by the 3-year average of the 4th highest daily concentrations (SCAQMD 2019).

Ambient air monitoring stations throughout the country measure air concentrations of particulate matter (PM), with most monitoring for two size ranges: “fine particles” with aerodynamic diameters less than or equal to 2.5 microns (µm) (PM<sub>2.5</sub>) and suspended PM 10 microns or less (PM<sub>10</sub>). PM<sub>10</sub> includes both fine particles (PM<sub>2.5</sub>) and “coarse particles,” with aerodynamic diameters greater than 2.5 µm and less than or equal to 10 µm. The chemical makeup of particles varies across the U.S. For example, fine particles in the eastern half of the U.S. contain more sulfates than those in the West, while fine particles in southern California contain more nitrates than those in other areas of the U.S. (USEPA 2009).

The SCAB is a non-attainment area for the federal standards for ozone and suspended particulate matter PM<sub>2.5</sub> as well as the state standards for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. Areas of the SCAB located in Los Angeles County are also in nonattainment for lead. The SCAB is

designated “unclassifiable” or in attainment for all other federal and state standards. Characteristics of ozone and PM are described in Table 1. Suspended PM is particularly associated with risks to the health of infants and children (USEPA 2004).

**Table 1 Health Effects Associated with Non-Attainment Criteria Pollutants**

Pollutant	Adverse Effects
Ozone	(1) Short-term exposures: (a) pulmonary function decrements and localized lung edema in humans and animals and (b) risk to public health implied by alterations in pulmonary morphology and host defense in animals; (2) long-term exposures: risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (3) vegetation damage; and (4) property damage.
Suspended particulate matter (PM <sub>10</sub> )	(1) Excess deaths from short-term and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease (including asthma).a
Suspended particulate matter (PM <sub>2.5</sub> )	(1) Excess deaths from short- and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes, including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children, such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease, including asthma.

Source: USEPA 2018a and 2004

## Air Quality Management

Under state law, air districts are required to prepare a plan for air quality improvement to address pollutants for which the district is in nonattainment status. The Final 2016 Air Quality Management Plan (AQMP) was adopted on March 3, 2017 and includes the integrated strategies and measures needed to meet the NAAQS. It incorporates new scientific data and notable regulatory actions that have occurred since adoption of the previous AQMP in 2012, including the approval of a new federal 8-hour ozone standard of 0.070 ppm that was finalized in 2015. The Final 2016 AQMP addresses state and federal planning requirements and incorporates new scientific information, primarily in the form of updated emissions inventories, ambient measurements, and meteorological air quality models. In addition, the 2016 AQMP incorporates the Southern California Association of Government’s (SCAG) projections for socio-economic data (e.g., population, housing, employment by industry) and transportation activities from the 2016 Regional Transportation Plan/Sustainable Communities Strategy (2016 RTP/SCS). Final 2016 AQMP builds upon the approaches taken in the 2012 AQMP for the attainment of federal PM and ozone standards and addresses the reductions that must be achieved for attainment status. In addition, the AQMP provides strategies and measures to reach attainment with the thresholds for 8-hour and 1-hour ozone and PM<sub>2.5</sub>.

## Air Emission Thresholds

Emissions for construction and operation of the project were estimated using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2. The analysis reflects the construction and operation of the project as described in the Project Description. CalEEMod defaults for construction length were adjusted to match the project's estimated construction length of 13 months. CalEEMod defaults for construction equipment were used. Specific model inputs and methodology are provided in Appendix A. CalEEMod, version 2016.3.2, incorporates CARB's 2014 Emission Factor Model (EMFAC) (EMFAC2014). However, the currently approved EMFAC model is EMFAC2017, version 1.03, (EMFAC2017). Therefore, to present the most accurate emission estimate for this analysis operational mobile sources were calculated outside CalEEMod using EMFAC2017 and the VMT calculated in CalEEMod. Results of the EMFAC2017 emission calculations are included in Appendix A.

It was assumed the proposed project would comply with applicable regulatory standards, including SCAQMD Rule 403 (Fugitive Dust), which requires twice daily watering, a 12 percent unpaved road moisture content, and a speed limit of 15 miles per hour (mph) on unpaved roads.

## Criteria Pollutant Emission Thresholds

The SCAQMD recommends quantitative regional significance thresholds for temporary construction activities and long-term project operation in the SCAB, shown in Table 2.

**Table 2 SCAQMD Regional Significance Thresholds**

Construction Thresholds	Operational Thresholds
75 pounds per day of ROG	55 pounds per day of ROG
100 pounds per day of NOX	55 pounds per day of NOX
550 pounds per day of CO	550 pounds per day of CO
150 pounds per day of SOX	150 pounds per day of SOX
150 pounds per day of PM <sub>10</sub>	150 pounds per day of PM <sub>10</sub>
55 pounds per day of PM <sub>2.5</sub>	55 pounds per day of PM <sub>2.5</sub>
ROG=reactive organic gas, NOx= nitrogen oxide, CO= carbon monoxide, SOx=sulphur oxides, PM <sub>10</sub> =particulate matter 10 microns or less, PM <sub>2.5</sub> =particulate matter 2.5 microns or less Source: SCAQMD 2015	

## Localized Significance Thresholds

In addition to the above regional thresholds, the SCAQMD has developed Localized Significance Thresholds (LSTs) in response to the Governing Board's Environmental Justice Enhancement Initiative (1-4), which was prepared to update the CEQA Air Quality Handbook (1993). LSTs were devised in response to concern regarding exposure of individuals to criteria pollutants in local communities and have been developed for NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub>. LSTs represent the maximum emissions from a project that would not cause or contribute to an air quality exceedance of the most stringent applicable federal or state ambient air quality standard at the nearest sensitive receptor, taking into consideration ambient concentrations in each source receptor area (SRA), distance to the sensitive receptor, and project size. LSTs have been developed for emissions from construction areas up to five acres in size. However, LSTs only apply to emissions fixed stationary locations and are not applicable to mobile sources, such as cars on a roadway (SCAQMD 2008). As such, LSTs are typically applied



only to construction emissions because the majority of operational emissions are associated with project-generated vehicle trips.

**Table 3 SCAQMD LSTs for Construction (SRA 10)**

Pollutant	Allowable Emissions for a 2.79-acre Site in SRA 34 for a Receptor 82 Feet Away (lbs/day)
Gradual conversion of NO <sub>x</sub> to NO <sub>2</sub>	172
CO	1,064
PM <sub>10</sub>	8
PM <sub>2.5</sub>	5
Source: SCAQMD 2009	

### Toxic Air Contaminants Thresholds

SCAQMD has developed health risk thresholds to evaluate potential impacts associated with emissions of toxic air contaminants (TACs). A project would have a potentially significant impact if it would result in:

- A maximum incremental cancer risk of 10 in one million or greater;
- A cancer burden greater than 0.5 excess cancer cases (in areas exposed to one in one million cancer risk or greater); or
- A chronic or acute hazard index of 1.0 or greater.

To provide a perspective on risk, the American Cancer Society (2018) reports that in the United States, men have about a 40 in 100 chance (0.40 probability) and women about a 38 in 100 chance (0.38) of developing cancer during a lifetime. Based on this background cancer risk level in the general population, application of a 10 in one million excess risk limit means that the contribution from a toxic hazard should not cause the resultant cancer risk for the exposed population to exceed 0.40001 for men or 0.38001 for women.

- a) Consistency with the AQMP assumptions is determined by performing an analysis of the proposed project with the assumptions in the AQMP. The emphasis of this criterion is to ensure that the analyses conducted from the proposed project are based on the same forecasts as the AQMP. The AQMP is developed through use of the planning forecasts provided in the RTP/SCS and FTIP. The RTP/SCS is a major planning document for the regional transportation and land use network within Southern California. The RTP/SCS is a long-range plan that is required by federal and state requirements placed on SCAG and is updated every four years. The FTIP provides long-range planning for future transportation improvement projects that are constructed with state and/or federal funds in Southern California. Local governments are required to use these plans as the basis of their plans for the purpose of consistency with applicable regional plans under CEQA. For this project, the Bloomington Community Plan prepared by the County of San Bernardino defies the assumptions that are represented in the AQMP.

The proposed project is currently designated as Single-Family Residential 9RS-1) in the Community Plan and is zoned Single Family-Residential (RS-1-AA). The proposed project would require a Community Plan Amendment and zone change to Commercial. Although the proposed project is currently inconsistent with the General Plan land use designation and zoning of the project site, the proposed project would be consistent with the adjacent commercial land uses to the west and would be in compliance with the Land Use Element goals and policies. Therefore, due to the proposed project's nominal size and consistency with the surrounding neighborhood, the proposed project would not result in an inconsistency with the current land use designations with respect to the regional forecasts utilized by the AQMPs. Furthermore, the proposed project consists of a commercial development in an area of Southern California that has a shortage of employment opportunity. As such, the proposed project is not anticipated to exceed the AQMP assumptions for the project site. Impacts would be less than significant.

### Less Than Significant Impact

#### b) Construction

##### *Regional*

Table 4 summarizes the estimated maximum daily emissions (lbs) of pollutants associated with construction of the project for regional criteria pollutants. As shown below, VOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would not exceed SCAQMD regional thresholds.

**Table 4 Project Construction Regional Criteria Pollutant Emissions**

	Maximum Emissions (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<u>Site Preparation</u>						
Onsite	3.89	40.50	21.15	0.04	10.17	6.37
Offsite	0.11	0.64	0.85	0.00	0.24	0.07
Total	4.00	41.13	22.01	0.04	10.42	6.42
<u>Grading</u>						
Onsite	2.29	24.74	15.86	0.03	4.11	2.58
Offsite	0.09	0.63	0.73	0.00	0.21	0.06
Total	2.38	25.36	16.59	0.03	4.32	2.46
<u>Building, Construction, Paving, and Architectural Coatings</u>						
Onsite	13.19	29.96	32.97	0.05	1.61	1.50
Offsite	0.29	1.41	2.32	0.01	0.67	0.18
Total	13.48	31.38	35.29	0.05	2.28	1.69

<b>Maximum Daily Construction Emissions</b>	<b>13.48</b>	<b>41.13</b>	<b>35.29</b>	<b>0.05</b>	<b>10.42</b>	<b>6.42</b>
SCAQMD Regional Thresholds	75	100	550	150	150	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>N/A</b>	<b>No</b>	<b>No</b>
Notes: Emissions modeling was completed using CalEEMod. Some numbers may not add up due to rounding. Maximum on-site emissions are the highest emissions that would occur on the project site from on-site sources such as heavy construction equipment and architectural coatings and excludes off-site emissions from sources such as construction worker vehicle trips and haul truck trips. Source: Appendix A						

Table 4 summarizes the estimated maximum daily emissions (lbs) of pollutants associated with construction of the project for regional criteria pollutants. As shown below, VOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would not exceed SCAQMD regional thresholds.

#### Local

Table 5 summarizes the estimated maximum daily emissions (lbs) of pollutants associated with construction of the project for localized criteria pollutants. As shown below, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions would not exceed SCAQMD localized thresholds.

**Table 5 Project Construction Local Criteria Pollutant Emissions**

	Onsite Pollutant Emissions (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Site Preparation	40.50	21.15	10.17	6.35
Grading	24.74	15.86	4.11	2.58
Building, Construction, Paving, and Architectural Coatings	29.96	32.97	1.61	1.50
<b>Maximum Daily Construction Emissions</b>	<b>40.50</b>	<b>32.97</b>	<b>10.17</b>	<b>6.35</b>
SCAQMD LSTs	270	1,746	14	8
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Notes: Emissions modeling was completed using CalEEMod. Some numbers may not add up due to rounding. Maximum on-site emissions are the highest emissions that would occur on the project site from on-site sources such as heavy construction equipment and architectural coatings and excludes off-site emissions from sources such as construction worker vehicle trips and haul truck trips.

Source: Appendix A

#### Operational

Table 6 and Table 7 summarize the project's regional and local operational emissions by emission source (area, energy, and mobile). As shown below, the emissions generated by operation of the proposed project would not exceed SCAQMD regional thresholds or LSTs for criteria pollutants. Therefore, impacts would be less than significant.

**Table 6 Regional Project Operational Emissions**

Emission Source	Maximum Daily Emissions (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area	0.43	0.00	0.02	0.00	0.00	0.00
Energy	0.05	0.45	0.38	0.00	0.03	0.03
Mobile	7.54	5.99	46.79	0.08	1.09	0.48
Gasoline Storage and Dispensing	12.53	0.00	0.00	0.00	0.00	0.00
<b>Project Emissions</b>	<b>20.97</b>	<b>6.84</b>	<b>47.58</b>	<b>0.08</b>	<b>1.12</b>	<b>0.51</b>
SCAQMD Regional Thresholds	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Notes: Some project emissions may not add up precisely to the numbers indicated due to rounding.  
Source: Appendix A

**Table 7 Local Project Operational Emissions**

Emission Source	Maximum Daily Emissions (lbs/day)			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Area	0.00	0.00	0.00	0.00
Energy	0.45	0.38	0.03	0.03
Onsite Vehicle Emissions	1.58	1.52	0.25	0.07
<b>Project Emissions</b>	<b>2.03</b>	<b>1.92</b>	<b>0.28</b>	<b>0.10</b>
SCAQMD Local Operational Thresholds	270	1,746	4	2
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Notes: Some project emissions may not add up precisely to the numbers indicated due to rounding.  
Source: Appendix A

## Less Than Significant Impact

### c) Construction Toxic Air Contaminant Emissions

The greatest potential for TAC emissions during construction would be related to diesel particulate matter (DPM) emissions associated with heavy equipment operations during site preparation, grading, and building construction. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of “individual cancer risk”. “Individual Cancer Risk” is the likelihood that a person exposed to concentrations of toxic air contaminants over a 70-year lifetime will contract cancer, based on the use of standard risk-assessment methodology. The most current cancer risk assessment methodology recommends analyzing a 30-year exposure period for the nearby sensitive receptors (Office of Environmental Health Hazard Assessment [OEHHHA] 2015).

Given the relatively limited number of heavy duty construction equipment, the varying distances that construction equipment would operate to the nearby sensitive receptors, and

the short-term construction schedule, the proposed project would not result in a long-term (i.e., 30 or 70 years) substantial source of TAC emissions and corresponding individual cancer risk. In addition, California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449 regulates emissions from off-road diesel equipment in California. This regulation limits idling of equipment to no more than five minutes, requires equipment operators to label each piece of equipment and provide annual reports to the California Air Resources Board (CARB) of their fleet's usage and emissions. This regulation also requires systematic upgrading of the emission Tier level of each fleet, and currently no commercial operator is allowed to purchase Tier 0 or Tier 1 equipment. As of January 2019, 25 percent or more of all contractors' equipment fleets must be Tier 2 or higher. Therefore, no significant short-term TAC impacts would occur during construction of the proposed project. As such, construction would not expose sensitive receptors to substantial pollutant concentrations, and this impact would be less than significant.

### **Operational Carbon Monoxide Hotspots**

A CO hotspot is a localized concentration of CO that is above a CO ambient air quality standard. Localized CO hotspots can occur at intersections with heavy peak hour traffic. Specifically, hotspots can be created at intersections where traffic levels are sufficiently high such that the local CO concentration exceeds the federal one-hour standard of 35.0 parts per million (ppm) or the federal and state eight-hour standard of 9.0 ppm (CARB 2016).

The SCAB is in conformance with state and federal CO standards, and most air quality monitoring stations no longer report CO levels. No stations within the vicinity of the project site have monitored CO since 2012. In 2012, the Fontana – Arrow Highway station detected an 8-hour average CO concentration of 1.76 ppm, which is substantially below the state and federal standards (CARB 2020). The proposed project would result in CO emissions of 62 pounds per day, well below the 550 pounds per day threshold. Based on the low background level of CO in the project area, improving vehicle emissions standards for new cars in accordance with state and federal regulations, and the project's low level of operational CO emissions, the project would not create new hotspots or contribute substantially to existing hotspots, and impacts would be less than significant.

### **Operational Toxic Air Contaminant Emissions**

The proposed project would include a gasoline dispensing facility with eight gasoline fueling positions located on the northwest corner of the project site. The proposed gasoline dispensing facility is anticipated to have a maximum throughput of 2.5 million gallons of gasoline per year. Additionally, the project would include a truck stop, including a seven-position diesel fueling canopy on the northeastern portion of the site. CARB identifies both gasoline dispensing facilities and truck stops as potential sources of TACs (CARB 2005). Health risk impacts associated with each of these project components is described below.

#### *Gasoline Dispensing Facility*

Health risk associated with the proposed gasoline dispensing facility was evaluated using SCAQMD's RiskTool (V1.103). The nearest sensitive receptors, mobile homes located north of the project site across Santa Ana Avenue, are located approximately 60 meters (197 feet) from the proposed gasoline storage tanks on the northwest corner of the project site. The RiskTool found that the proposed gasoline dispensing facility would result in a cancer risk of approximately 2.56 in one million at the nearest residence. This falls below SCAQMD's health risk criteria of 10 in one million. Furthermore, the project would be subject to SCAQMD

Rule 461, requiring CARB-certified vapor recovery systems for fuel tank loading and dispensing units. Therefore, TAC emissions and associated health risk from the proposed gasoline dispensing facility would result in a less than significant impact.

#### *Truck Stop*

The project would involve construction and operation of a truck stop, which would generate diesel emissions from truck traffic. DPM is a TAC, as diesel exhaust particulates are readily respirable and have hundreds of chemicals adsorbed onto their surfaces. The potential TAC impacts to nearby sensitive receptors have been analyzed through emissions calculations and air dispersion modeling included in Appendix A, and health risk calculations prepared by Rincon Consultants in accordance with the OEHHA *Guidance Manual for Preparation of Health Risk Assessments* (OEHHA 2015) and USEPA *Guidelines for Carcinogenic Risk Assessment* (USEPA 2005).

Emissions from truck travel along Santa Ana Avenue and Cedar Avenue, as well as on-site truck circulation and idling, we considered for the health risk analysis. Truck travel and truck idling emission rates were obtained from the EMFAC2017 model Version 1.0.3, the latest emissions inventory model released by CARB that calculates motor vehicle emissions from vehicles operating on roads in California. EMFAC2017 was run for calendar years 2021 through 2050. Emissions calculations were based on total on-site truck activity of 3,190 four-axle truck trips, 644 three-axle truck trips, and 157 two-axle truck trips per day, as indicated in the project-specific traffic study (Appendix G). The emissions factors assume travel speeds of 40 miles per hour (mph) on Santa Ana Avenue and Cedar Avenue, 10 mph on-site, and up to 15 minutes of on-site idling per truck.

To determine ground-level concentrations of DPM at nearby sensitive receptors, air dispersion modeling was conducted using the Lakes AMS/EPA Regulatory Model (AERMOD) View Version 9.9.0. Dispersion modeling was conducted in accordance with SCAQMD guidance, using regulatory default options, urban modeling option based on the SCAQMD-recommended San Bernardino County population, topographic data from the U.S. Geological Survey Fontana Quadrangle Digital Elevation Model, and meteorological data from SCAQMD's Fontana monitoring station. Receptors were sited at 11 representative nearby homes on all sides of the project site, including the mobile homes immediately north of the project site across Santa Ana Avenue. Table 8 summarizes ground-level concentrations of DPM at each of the 11 receptor locations based on the air dispersion modeling outputs.

**Table 8 Annual TAC Concentrations at Nearby Sensitive Receptors**

Receptor	Description	Annual PM <sub>10</sub> Concentration (µg/m <sup>3</sup> )			30-Year Weighted Average Concentration
		2021-2023	2024-2038	2039-2050	
1	MH to north (740 feet)	0.0358	0.0124	0.0008	0.0101
2	MH to north (90 feet)	0.0560	0.0200	0.0009	0.0160
3	MH to north (90 feet)	0.0608	0.0215	0.0011	0.0173
4	SFH to northeast (110 feet)	0.0537	0.0194	0.0013	0.0156
5	SFH to east (730 feet)	0.0192	0.0073	0.0009	0.0059
6	SFH to east (750 feet)	0.0089	0.0032	0.0008	0.0028

7	SFH to southeast (890 feet)	0.0057	0.0020	0.0008	0.0019
8	SFH to south (1,020 feet)	0.0271	0.0096	0.0007	0.0078
9	SFH to southwest (230 feet)	0.0285	0.0103	0.0006	0.0082
10	SFH to west (580 feet)	0.0202	0.0073	0.0007	0.0060
11	MFH to northwest (575 feet)	0.0149	0.0054	0.0001	0.0042

MH = mobile home, SFH = single-family home, MFH = multi-family home,  $\mu\text{g}/\text{m}^3$  = micrograms per cubic meter,  $\text{PM}_{10}$  = particulate matter less than 10 microns in diameter (used as proxy for diesel particulate matter)

Note: 30-year weighted average are the average annual  $\text{PM}_{10}$  ground-level concentration at each receptor when accounting for annual concentrations during each time frame.

Source: Appendix A

Potential risk values associated with construction emissions were quantified based on USEPA's *Guidelines for Carcinogen Risk Assessment* (USEPA 2005) and OEHHA's *Risk Assessment Guidelines* (OEHHA 2015). Risk calculations were based on the 30-year weighted average ground-level concentrations modeled by AERMOD at off-site receptors, presented in Table 8.

Consistent with SCAQMD recommendations, fraction-of-time-at-home adjustments were applied for the over 16 years age class. USEPA recommends the use of age-dependent-adjustment factors for TACs which act through a mutagenic mode of action, as cancer risks from such compounds would be expected to be higher from early-life exposure than from similar exposure later in life. Application of these age-sensitivity factors to non-mutagenic carcinogens is not recommended by USEPA, as the data for non-mutagenic carcinogens are considered to be too limited and the modes of action too diverse to use this as a category for which a general default adjustment factor approach can be applied. To date, USEPA reports that whole diesel engine exhaust has not been shown to elicit a mutagenic mode of action. Therefore, consistent with USEPA guidance on risk analysis, "a linear low-dose extrapolation approach" was applied for DPM in the quantification of cancer risk (USEPA 2005). It is the USEPA's "long-standing science policy position" that this approach "provides adequate public health conservatism in the absence of chemical-specific data indicating differential early-life sensitivity or when the mode of action is not mutagenic" (USEPA 2005).

Based on the ground-level concentrations of DPM modeled in AERMOD, DPM inhalation dose estimates were estimated using the following equation (OEHHA 2015):

$$Dose_{air} = C_{air} \times \{BR/BW\} \times A \times EF \times 10^{-6}$$

Where:

$Dose_{air}$  = dose through inhalation (mg/kg/day)

$C_{air}$  = concentration of DPM in air ( $\mu\text{g}/\text{m}^3$ ), as modeled in AERMOD

$\{BR/BW\}$  = daily breathing rate normalized to body weight (L/kg body weight per day)

$A$  = inhalation absorption factor (unitless)

$EF$  = exposure frequency (days/365 days)

$10^{-6}$  = micrograms to milligrams conversion



Inhalation cancer risk estimates for the identified age groups were estimated based on the following equation (OEHHA 2015):

$$Risk_{inh} = Dose_{air} \times CPF \times ED/AT \times FAH$$

Where:

$Risk_{inh}$  = inhalation cancer risk

$Dose_{air}$  = dose through inhalation (mg/kg/day)

$CPF$  = cancer potency factor (mg/kg/day<sup>-1</sup>)

$ED$  = exposure duration for age group (years)

$AT$  = averaging time (70 years)

$FAH$  = fraction of time at home (1 for age groups <16; 0.73 for age groups >16)

Table 9 summarizes cancer and non-carcinogenic (chronic) health risk associated with operation of the proposed truck stop at off-site receptors. As shown in Table 9, the maximally exposed individual receptor would be exposed to a 30-year cancer risk of approximately 4.21 in one million and a non-carcinogenic chronic hazard index of 0.004. Both of these values remain below the SCAQMD health risk criteria of 10 in one million cancer risk and chronic hazard index of 1.0. DPM is not associated with acute health risks (OEHHA 2019); therefore, acute risk was not evaluated.

**Table 9 Health Risk Associated with Truck Stop at Nearby Sensitive Receptors**

Receptor	Description	30-Year Cancer Risk <sup>1</sup>	Exceeds Threshold? <sup>2</sup>	Chronic Hazard Index <sup>3</sup>	Exceeds Threshold? <sup>4</sup>
1	MH to north (740 feet)	2.46	No	0.002	No
2	MH to north (90 feet)	3.89	No	0.003	No
<b>3</b>	<b>MH to north (90 feet)</b>	<b>4.21</b>	<b>No</b>	<b>0.004</b>	<b>No</b>
4	SFH to northeast (110 feet)	3.79	No	0.003	No
5	SFH to east (730 feet)	1.44	No	0.001	No
6	SFH to east (750 feet)	0.68	No	<0.001	No
7	SFH to southeast (890 feet)	0.46	No	<0.001	No
8	SFH to south (1,020 feet)	1.90	No	0.002	No
9	SFH to southwest (230 feet)	1.99	No	0.002	No
10	SFH to west (580 feet)	1.46	No	0.001	No
11	MFH to northwest (575 feet)	1.02	No	<0.001	No

MH = mobile home, SFH = single-family home, MFH = multi-family home,  $\mu\text{g}/\text{m}^3$  = micrograms per cubic meter,  $\text{PM}_{10}$  = particulate matter less than 10 microns in diameter (used as proxy for diesel particulate matter).

<sup>1</sup> 30-year cancer risk expressed in risk per one million.

<sup>2</sup> Per South Coast Air Quality Management District health risk criteria, cancer risk threshold is 10 in one million or greater.

<sup>3</sup> Non-carcinogenic chronic health hazard is expressed as a unitless index.

<sup>4</sup> Per South Coast Air Quality Management District health risk criteria, non-cancer chronic health risk threshold is a hazard index of 1.0 or greater.

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## Non-Cancer Risks

In addition to the cancer risk from exposure to TAC emissions there is also the potential TAC exposure may result in adverse health impacts from acute and chronic illnesses, which are detailed below.

### *Chronic Health Impacts*

Chronic health effects are characterized by prolonged or repeated exposure to a TAC over many days, months, or years. Symptoms from chronic health impacts may not be immediately apparent and are often irreversible. The chronic hazard index is based on the most impacted sensitive receptor from the proposed project and is calculated from the annual average concentrations of  $\text{PM}_{10}$ . The relationship for non-cancer chronic health effects is given by the equation:

$$HI_{DPM} = C_{DPM} / REL_{DPM}$$

Where,

$HI_{DPM}$  = Hazard Index; an expression of the potential for non-cancer health effects.

$C_{DPM}$  = Annual average diesel particulate matter concentration in  $\mu\text{g}/\text{m}^3$ .

$REL_{DPM}$  = Reference Exposure Level (REL) for diesel particulate matter; the diesel particulate matter concentration at which no adverse health effects are anticipated.

The  $REL_{DPM}$  is  $5 \mu\text{g}/\text{m}^3$ . The Office of Environmental Health Hazard Assessment as protective for the respiratory system has established this concentration. The AERMOD model found that the highest annual off-site concentration is  $0.0608 \mu\text{g}/\text{m}^3$  for DPM chronic non-cancer risk emissions. The resulting Hazard Index is:

$$HI_{DPM} = 0.0173/5 = 0.00346$$

The criterion for significance is a Chronic Hazard Index increase of 1.0 or greater. Therefore, the on-going operations of the proposed project would result in a less than significant impact due to the non-cancer chronic health risk from TAC emissions created by the proposed project.

Based on the analysis above, operation of the proposed truck stop would not result in off-site health risks in excess of SCAQMD health risk criteria. This impact would be less than significant.

### **Less Than Significant Impact**

- d) For construction activities, odors would be temporary in nature and are subject to SCAQMD Rule 402, Nuisance, which states that “a person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property” (SCAQMD 2019). Construction activities would be temporary and transitory and associated odors would cease upon construction completion. Accordingly, the proposed project would not create objectionable odors affecting a substantial number of people during construction, and short-term impacts would be less than significant.

Common sources of operational odor complaints include sewage treatment plants, landfills, recycling facilities, and agricultural uses. The proposed project would not include these uses. The proposed project would consist of the development of a gas station. Potential sources that may emit odors during the on-going operations of the proposed project would primarily occur from odor emissions from gas dispensing activities and from the trash storage areas. Pursuant to SCAQMD Rule 461 the proposed gas station would be required to utilize gas dispensing equipment that minimizes vapor and liquid leaks and requires that the equipment be maintained at proper working order, which would minimize odor impacts occurring from the gasoline and diesel dispensing facilities. Pursuant to City regulations, permanent trash enclosures that protect trash bins from rain as well as limit air circulation would be required for the trash storage areas. Through compliance with SCAQMD’s Rule 461 and City trash storage regulations, no significant impact related to odors would occur during the on-going operations of the proposed project.

#### Less Than Significant Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- |    |   |                          |                          |                                     |                                     |
|----|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) | Have a substantial adverse effect on state or federally protected wetlands (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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural 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 ☐):

**San Bernardino County General Plan, 2007; Submitted Project Materials; Appendix B – Rocks Biological Consulting - Bloomington Has Station Project Biotic Resources Report**

A biological resource assessment was completed on January 27, 2020 by Rocks Biological Consulting (RBC) to determine impacts to biological resources associated with the development of the project. The Biotic Resources Report is included in Appendix B. The report provides an analysis of impacts on biological resources associated with the proposed project in the context of County and Use regulations, CEQA, and state and federal regulations, such as the federal Endangered Species Act, Clean Water Act (CWA), and the California Fish and Game Code (CFGF).

The following tasks were performed during this assessment:

- General biological surveys
- Vegetation mapping
- Habitat assessments for special-status species, including Delhi Sands flower-loving fly and burrowing owl
- An assessment for areas anticipated to be jurisdictional under the Corps pursuant to Section 404 of the CWA, under the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the CWA and the Porter-Cologne Water Quality Control Act (Porter-Cologne Act; Water Code Section 13000 et seq.), and under California Department of Fish and Wildlife (CDFW) pursuant to Section 1602 of the CFGF

The following sources were reviewed to determine the impacts to biological resources from project implementations:

- CDFW's California Natural Diversity Database (CNDDDB) (CDFW 2019) and the database of threatened/endangered USFWS species for a one-mile radius around the project site (U.S. Fish and Wildlife Service [USFWS] 2019),
- California Native Plant Society (CNPS) Electronic Inventory (CNPS 2019) for the nine USGS 7.5' quadrangles surrounding the project site for the elevation range of 800 to 1,200 feet amsl.
- Natural Resources Conservation Service (NRCS; USDA 2019) for the soils present on the project site
- County of San Bernardino's Biotic Resources Overlay Map (County of San Bernardino 2012) for biotic resources overlay zones within the project site and any County-mapped biological resources with potential to occur on site.

The potential for special-status species to occur within the project site was refined by considering the habitat affinities of each species, the results of field habitat assessments, vegetation mapping, and knowledge of local biological resources.

The site has a very low potential to support the USFWS federally endangered Delhi Sands flower loving fly (*Raphiomidas terminatus abdominalis*), and a high potential to support the CDFW Species of Special Concern burrowing owl (*Athene cunicularia*). The site does not appear to support waters of the U.S./State, jurisdictional by the U.S. Army Corps of Engineers (Corps) and RWQCB, or streambed and associated riparian/wetland habitat jurisdictional by CDFW.

- 
- a) The CNDDDB results included historical occurrences of three special-status plant species within one mile of the project site. The CNPS electronic inventory nine quadrangle search results included an additional 46 CRPR plant species. The potential for special-status plant species to occur within the project site was refined by considering the habitat affinities of each species, the results of field habitat assessments, vegetation mapping, and knowledge of local biological resources.

There are two special-status plant species with moderate or high potential to occur on the project site: paniculate tarplant (*Deinandra paniculata*, CRPR 4.2); and smooth tarplant (*Centromadia pungens* ssp. *laevis*, CRPR 1B.1). The general biological survey was performed outside the survey window for these species. However, given the relatively small size of the project site and high level of site disturbance, extensive populations of special-status plant species are not anticipated to occur on-site. If present, impacts to these species would be relatively small and would occur in an area surrounded by development. Therefore, impacts would be less than significant.

The project site has a high potential to support burrowing owl, a CDFW Species of Special Concern. Burrowing owl surveys in accordance with the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) would be necessary to determine presence or absence of burrowing owl on the site, potential effects of the proposed project on burrowing owl, and to avoid take in accordance with CFGC Sections 86, 3503, and 3503.5. Therefore, impacts to burrowing owl would be potentially significant. However, through compliance with the recommended burrowing owl surveys and project specific

mitigation measure (BIO-1), impacts to burrowing owls would be reduced to less than significant.

California glossy snake and California horned lark are CDFW Species of Special Concern have a moderate potential to occur on site. However, given the size of the project site and high level of site disturbance, extensive populations of California glossy snake or California horned lark are not anticipated to occur on-site. Furthermore, compliance with nesting bird regulations would avoid direct take of California horned lark. Therefore, impacts to California glossy snake and California horned lark would be less than significant.

The project site has the potential to impact active bird nests if vegetation is removed or ground disturbing activities occur during the nesting season (February 1 to August 31). Impacts on nesting birds are prohibited by the Migratory Bird Treaty Act (MBTA) and CFGC. Therefore, impacts to nesting birds would be potentially significant. With implementation of the project-specific mitigation measure that would avoid project impacts on nesting birds (BIO-2), impacts on nesting birds would be less than significant.

### **Mitigation Measures**

#### **BIO-1 Burrowing Owl Surveys**

A qualified biologist(s) shall conduct a pre-construction presence/absence survey for burrowing owls at 14 days prior to ground disturbing activities and within 24 hours immediately before ground disturbing activities. If burrowing owls are documented on site, then a plan for avoidance or passive exclusion shall be made in coordination with CDFW. If the survey is negative, the project may proceed without further restrictions related to burrowing owls.

#### **BIO-2 Nesting Bird Surveys**

Where feasible, vegetation clearing and ground disturbing activities shall be conducted outside of the nesting season (February 1 to August 31). If ground disturbing activities are scheduled outside of the nesting season, a nesting bird survey will not be required. If construction activities occur during the nesting season, a qualified biologist shall conduct a nesting bird survey within seven days prior to any disturbance of the site, including tree and shrub removal, diking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests depending on the level of activity within the buffer and species observed, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Raptor species shall have an avoidance buffer of 500 feet and other bird species shall have an avoidance buffer of 300 feet. These buffers may be reduced in consultation with the CDFW. If active nests are not identified, vegetation clearing, and ground disturbing activities may commence.

### **Less than Significant Impact with Mitigation**

- b) The entire project site is a disturbed field that is frequently subject to human activity. No areas with depressions, drainage patterns, defined channels, and/or wetland vegetation were observed during the project site visit (RBC 2020). As such, no potential federal-, or state-jurisdictional aquatic resources are expected to occur on-site. Therefore, the project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. Impacts would be less than significant.

**Less than Significant Impact**

- c) The project would not impact riparian areas or vernal pools as such features do not occur on-site (RBC 2020). No impacts would occur.

**No Impact**

- d) The project site is located in a developed urban area and surrounded by urbanized uses on all sides including commercial and residential development and heavily travelled paved roadways. The project would not impact riparian areas, vernal pools or jurisdictional aquatic resources that would contribute to wildlife corridors or movement as such features do not occur on-site (RBC 2020). The project site is constrained by surrounding residential and commercial development and public infrastructure and has little to no value as a low-quality migration corridor or overland dispersal habitat for wildlife. Therefore, the project would not interfere with the movement of any native wildlife species. Impacts would be less than significant.

**Less Than Significant Impact**

- e) Chapter 88.01 of the County of San Bernardino Development code provides regulations for the management of plant resources in the unincorporated areas of the County. This chapter protects from the indiscriminate removal of native trees and plants. There is one eucalyptus tree on the project site, which is not a native and protected species. Due to the suitable sandy soils and non-native grassland habitat that occurs throughout the project site, paniculate tarplant and smooth tarplant have a moderate potential to occur on-site. However, neither species was observed during the general biological survey (RBC 2020). Therefore, no conflict with local policies or ordinances protecting biological resources would occur. Impacts would be less than significant.

**Less Than Significant Impact**

- f) No adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans apply to the project site. No impact would occur.

**No Impact**

**Therefore, no significant impacts are identified or anticipated with implementation of Mitigation Measures MM BIO-1 and BIO-2.**

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>V. CULTURAL RESOURCES - Would the project:</b>					
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



- c) Disturb any human remains, including those outside of formal cemeteries? ☐ ☒ ☐ ☐

**SUBSTANTIATION:** (Check if the project is located in the Cultural ☐ or Paleontologic ☐ Resources overlays or cite results of cultural resource review):

***San Bernardino County General Plan, 2007; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center; Submitted Project Materials; Appendix C – Cultural Resource Investigation in Support of the Bloomington Gas Station Project, Paleo West Archaeology, February 2020***

CEQA requires a lead agency to determine whether a project may have a significant impact on historical resources (Public Resources Code [PRC], Section 21084.1). The significance of cultural resources and impacts to those resources is determined by whether or not those resources can increase our collective knowledge of the past. The primary determining factors are site content and degree of preservation. State CEQA Guidelines Section 15064.5 states the term “historical resources” shall include the following:

1. A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in, the California Register of Historical Resources PRC Section 5024.1, Title 14 California Code of Regulations [CCR], Section 4850 et. seq.).
2. A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in an historical resource survey meeting the requirements of PRC Section 5024.1(g), shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing in the California Register of Historical Resources [CRHR] (PRC Section 5024.1, Title 14 CCR, Section 4852) as follows:
  - Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage
  - Is associated with the lives of persons important in our past
  - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
  - Has yielded, or may be likely to yield, information important in prehistory or history (State CEQA Guidelines Section 15064.5)

Properties listed on the National Register of Historic Properties are automatically listed on the CRHR, along with State Landmarks and Points of Interest. The CRHR can also include properties designated under local ordinances or identified through local historical resource surveys.

Pursuant to PRC Section 21084.1, a project that may cause a substantial adverse change in the significance of a historical resource may have a significant impact on the environment. A “substantial adverse change” in the significance of a historical resource is defined as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” State CEQA Guidelines Section 15064.5(b) states the significance of an historical resource is “materially impaired” when a project does any of the following:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the CRHR
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources or its identification in an historical resources survey, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant
- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA

In addition, if it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC Section 21083.2[a], [b]).

PRC Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type
3. Is directly associated with a scientifically-recognized important prehistoric or historic event or person

- a) A cultural resources records search and literature review was conducted on January 14, 2020, at the South Central Coastal Information Center of the California Historical Resource Information System housed at California State University, Fullerton. According to the Cultural Resources Assessment produced by Paleo West Archaeology, the records search indicated that 23 previous studies have been conducted within one mile of the project area. The records search indicated that 56 cultural resources have

been previously documented within one mile of the project area; however, none of these resources were identified within or immediately adjacent to the project area.

Historical maps consulted include Southern California Sheet 1, CA (1904) 60-minute, Fontana, CA (1943) and San Bernardino, CA (1954) 15-minute, and Fontana (1953, 1967, and 1973) 7.5-minute USGS quadrangles. Historical aerials from NETROnline dated 1938, 1948, 1959, 1968, 1980, 1994, and 2010 were also reviewed. None of the historical topographic quadrangles or aerial images show any historical structures or buildings within the project area.

The project site is not located in a historic district and does not contain any listed or eligible structures. The project site is undeveloped. As such, the project would not result in a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. No impact would occur.

### **No Impact**

- b) In addition to the resources discussed above, additional sources consulted during the cultural resource literature review and records search include the National Register of Historic Places, the Office of Historic Preservation Archaeological Determinations of Eligibility, and the Office of Historic Preservation Directory of Properties in the Historic Property Data File (Paleo West 2020). There are no listed archaeological resources recorded within the Project area or within one mile of the project area.

A pedestrian cultural resource survey was conducted of the proposed project area on January 15, 2020 (Paleo West 2020). The project site is a disturbed vacant lot with ruderal grasses. No prehistoric or historic-period archaeological resources were identified as a result of the survey. Although the project site does not lie in a highly sensitive area for archaeological resources, the project would involve some grading and site disturbance and there remains the potential to encounter unanticipated archaeological resources during ground-disturbing activities associated with project construction. Construction activities may result in the destruction, damage, or loss of undiscovered scientifically-important archaeological resources. Consequently, impacts to archaeological resources would be potentially significant. Implementation of Mitigation Measure MM CR-1 during project construction would reduce potential impacts to archaeological resources to a less-than-significant level by providing direction on how to properly address an unanticipated discovery of archaeological resources should one occur during construction. In addition, Mitigation Measure MM TCR-1, as discussed in Section 18, Tribal Cultural Resources, would apply and would reduce potential impacts to archaeological resources by requiring Native American monitoring/consulting and establishing protocols in the event of an unanticipated discovery of tribal cultural resources.

### **Mitigation Measure**

#### **CR-1 Unanticipated Discovery of Cultural Resources**

If cultural resources are encountered during ground-disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be

significant under CEQA and cannot be avoided by the project, additional work such as data recovery excavation and Native American consultation and archaeological monitoring may be warranted to mitigate any significant impacts to cultural resources.

Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

**Less Than Significant Impact with Mitigation Incorporated.**

- c) No known human remains have been documented on the project site or the immediate vicinity. While the project site is unlikely to contain human remains, the potential for the recovery of human remains during ground-disturbing activities is always a possibility. Therefore, impacts would be potentially significant. Mitigation Measure MM TCR-2 as discussed in Section 18, *Tribal Cultural Resources*, would apply and would reduce potential impacts by requiring protocols in the event that human remains or funerary objects are found during ground-disturbing activities. Therefore, impacts to human remains would be less than significant with mitigation.

**Mitigation Measure**

**CR-2 Unanticipated Discovery of Human Remains**

If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

**Less Than Significant Impact with Mitigation Incorporated**

**Therefore, no significant impacts are identified or anticipated with implementation of Mitigation Measures MM CR-1 and MM CR-2, MM TCR-1, MM TCR-2 and MM TCR-3.**

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>VI. ENERGY – Would the project:</b>					
a)	Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION: San Bernardino County General Plan, 2007; Submitted Materials**

## Electricity and Natural Gas

In 2017, California used 292,039 gigawatt-hours (GWh) of electricity, of which 29 percent were from renewable resources (CEC 2018c). California also consumed approximately 12,500 million U.S. therms (MMthm) of natural gas in 2017 (CEC 2017b). The project site would be provided electricity by Southern California Edison (SCE) and natural gas by Southern California Gas Company (SCG). Table 10 and Table 11 show the electricity and natural gas consumption by sector and total for SCE and SCG. In 2017, SCE provided approximately 28.9 percent of the total electricity used in California. SCG also provided in 2017 approximately 41.1 percent of the total natural gas usage in California.

**Table 10 Electricity Consumption in the SCE Service Area in 2017**

Agriculture and Water Pump	Commercial Building	Commercial Other	Industry	Mining and Construction	Residential	Streetlight	Total Usage
2,975.4	31,925.3	4,283.3	13,094	2,410.6	28,975.0	627.9	84,291.6
All usage expressed in GWh Source: CEC 2017b							

**Table 11 Natural Gas Consumption in SCG Service Area in 2017**

Agriculture and Water Pump	Commercial Building	Commercial Other	Industry	Mining and Construction	Residential	Total Usage
69.4	895.9	72.1	1,716.6	229.7	2,158.1	5,141.8
All usage expressed in MMThm Source: CEC 2017b						

## Petroleum

In 2016, approximately 40 percent of the state's energy consumption was used for transportation activities (EIA 2018). Californians presently consume over 19 billion gallons of motor vehicle fuels per year (CEC 2018d). Though California's population and economy are expected to grow, gasoline demand is projected to decline from roughly 15.8 billion gallons in 2017 to between 12.3 billion and 12.7 billion gallons in 2030, a 20 percent to 22 percent reduction. This decline comes in response to both increasing vehicle electrification and higher fuel economy for new gasoline vehicles (CEC 2018d).

### a) Construction Energy Demand

During project construction, energy would be consumed in the form of petroleum-based fuels used to power off-road construction vehicles and equipment on the project site, construction worker travel to and from the project site, and vehicles used to deliver materials to the site. The project would require demolition, site preparation, and grading, including hauling material off-site; pavement and asphalt installation; building construction; architectural coating; and landscaping and hardscaping.

The total consumption of gasoline and diesel fuel during project construction was estimated using the assumptions and factors from CalEEMod used to estimate construction air emissions. Table 12 presents the estimated construction phase energy consumption, indicating that

construction equipment, vendor trips, and worker trips would consume over 53,000 gallons of fuel over the project construction period.

**Table 12 Estimated Fuel Consumption during Construction**

Fuel Type	Gallons of Fuel	MMBtu <sup>4</sup>
Diesel Fuel (Construction Equipment) <sup>1</sup>	40,313.5	5,138.5
Diesel Fuel (Hauling & Vendor Trips) <sup>2</sup>	7,874.2	1,003.7
Other Petroleum Fuel (Worker Trips) <sup>3</sup>	4,918.4	540.0
<b>Total</b>	<b>53,106.1</b>	<b>6,682.2</b>

<sup>1</sup> Fuel demand rate for construction equipment is derived from the total hours of operation, the equipment's horse power, the equipment's load factor, and the equipment's fuel usage per horse power per hour of operation, which are provided in CalEEMod outputs (see Appendix A), and from compression-ignition engine brake-specific fuel consumption factors for engines between 0 to 100 horsepower and greater than 100 horsepower (USEPA 2018). Fuel consumed for all construction equipment is assumed to be diesel fuel.

<sup>2</sup> Fuel demand rate for hauling and vendor trips (cut material imports) is derived from hauling and vendor trip number, hauling and vendor trip length, and hauling and vendor vehicle class from "Trips and VMT" Table contained in Section 3.0, *Construction Detail*, of the CalEEMod results (see Appendix A). The fuel economy for hauling and vendor trip vehicles is derived from the United States Department of Transportation (U.S. DOT 2018). Fuel consumed for all hauling trucks is assumed to be diesel fuel.

<sup>3</sup> The fuel economy for worker trip vehicles is derived from the U.S. Department of Transportation National Transportation Statistics (24 mpg) (U.S. DOT 2018). Fuel consumed for all worker trips is assumed to be gasoline fuel.

<sup>4</sup> CaRFG CA-GREET 2.0 fuel specification of 109,786 Btu/gallon used to identify conversion rate for fuel energy consumption for worker trips specified above (CARB 2015). Low-sulfur Diesel CA-GREET 2.0 fuel specification of 127,464 Btu/gallon used to identify conversion rate for fuel energy consumption for construction equipment specified above (Schremp 2017). Notes: Totals may not add up due to rounding. Source: Appendix A

The construction energy estimates represent a conservative estimate because the construction equipment used in each phase of construction was assumed to be operating every day of construction. Construction equipment would be maintained to applicable standards, and construction activity and associated fuel consumption and energy use would be temporary and typical for construction sites. It is also reasonable to assume that contractors would avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce construction costs. Therefore, the project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and the construction-phase impact related to energy consumption would be less than significant.

### Operational Energy Demand

Operation of the project would increase area energy demand from greater electricity, natural gas, and gasoline consumption at a site with no previous development or uses. Natural gas and electricity would be used for heating and cooling systems, lighting, appliances, water use, and the overall operation of the project buildings. Gasoline consumption would be attributed to the trips generated from project residences. The estimated number of average daily trips associated with the project from CalEEMod is used to determine the energy consumption associated with fuel use from the operation of the project. The majority of the fuel consumption would be from motor vehicles traveling to and from the project site. According to the CalEEMod calculations, the project would result in approximately 3,468,845 annual VMT (Rincon Consultants, Inc. 2020). Table 13 shows the estimated total annual fuel consumption of the project using the estimated VMT with the assumed vehicle fleet mix obtained from CalEEMod (Appendix A). One gallon of

gasoline is equivalent to approximately 109,786 Btu (CARB 2015), while one gallon of diesel is equivalent to approximately 127,460 Btu (Schremp 2017).

**Table 13 Estimated Project Annual Transportation Energy Consumption**

Vehicle Type <sup>1</sup>	Percent of Vehicle Trips <sup>2</sup>	Annual Vehicle Miles Traveled <sup>3</sup>	Average Fuel Economy (miles/gallon) <sup>4</sup>	Total Annual Fuel Consumption (gallons)	Total Fuel Consumption (MBtu) <sup>5</sup>
Passenger Cars	55.0	1,907,698	24	79,487.4	8,726.6
Light/Medium Trucks	36.6	1,166,326	17.4	67,030.3	8,478.7
Heavy Trucks/Other	10.8	374,007	7.4	50,541.5	6,442.2
Motorcycles	0.6	20,813	43.9	474.1	52.0
<b>Total</b>	<b>100.0</b>	<b>3,468,845</b>	<b>–</b>	<b>–</b>	<b>23,699.5</b>

Notes: Totals may not add up due to rounding.

<sup>1</sup> Vehicle classes provided in CalEEMod do not correspond exactly to vehicle classes in DOT fuel consumption data, except for motorcycles. Therefore, it was assumed that passenger cars correspond to the light-duty, short-base vehicle class, light/medium trucks correspond to the light-duty long-base vehicle class, and heavy trucks/other correspond to the single unit, 2-axle 6-tire or more class.

<sup>2</sup> Percent of vehicle trips from Table 4.4 “Fleet Mix” in Air Quality and Greenhouse Gas Impact Study (Appendix A).

<sup>3</sup> Mitigated annual VMT found in Table 4.2 “Trip Summary Information” in Air Quality and Greenhouse Gas Impact Study (Appendix A).

<sup>4</sup> Average Fuel Economy: U.S. Department of Energy, 2019.

<sup>5</sup> CaRFG fuel specification of 109,786 Btu/gallon used to identify conversion rate for fuel energy consumption for passenger cars and motorcycles (CARB 2015). Low-sulfur Diesel CA-GREET 2.0 fuel specification of 127,464 Btu/gallon used to identify conversion rate for fuel energy consumption for light/medium trucks and heavy trucks/other (Shremp 2017).

Operation of the proposed project would consume approximately 407.5 MWh (or 0.4 GWh) of electricity per year. As previously mentioned, the project would be served by SCE, which provided more than 84,000 GWh of electricity in 2017. The project would consume a less than 0.0001 percent of SCE’s annual electricity demand. Additionally, SCE has not provided any indication that it cannot serve the project. Therefore, SCE would have sufficient supplies for the project and would not place a significant demand on the electrical supply. Estimated natural gas consumption for the project would be approximately 90,779.5 kBTU (or 0.009 MMthm) per year.

The project’s natural gas demand would be served by SCG, which provided 5,142 MMthm per year in 2017. The project would consume a less than 0.0001 percent of SCG’s natural gas demand. SCG has not provided any indication that it cannot serve the project. Therefore, SCG would have sufficient supplies for the project.

The project would also comply with all standards set in California Building Code (CBC) Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. California’s Green Building Standards Code (CALGreen; California Code of Regulations, Title 24, Part 11) requires implementation of energy efficient light fixtures and building materials into the design of new construction projects. Furthermore, the 2019 Building



Energy Efficiency Standards (CBC Title 24, Part 6) requires newly constructed buildings to meet energy performance standards set by the California Energy Commission (CEC). As the name implies, these standards are specifically crafted for new buildings to result in energy efficient performance so that the buildings do not result in wasteful, inefficient, or unnecessary consumption of energy. The standards are updated every three years and each iteration is more energy efficient than the previous standards. For example, according to the CEC, non-residential buildings would use about 30 percent less energy compared to 2016 standards (CEC 2018b). Furthermore, the project would further reduce its use of nonrenewable energy resources as the electricity generated by renewable resources provided by SCE continues to increase to comply with state requirements through Senate Bill (SB) 100 (SB 100), which requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

In conclusion, construction of the project would be temporary and typical of similar projects and would not result in wasteful use energy. Operation of the project would increase the use of electricity on-site. However, the increase would be in conformance with the latest version of CALGreen and Building Energy Efficiency Standards. In addition, SCE and SCG have sufficient supplies to serve the project. Therefore, project operation would not result in wasteful or unnecessary energy consumption. This impact would be less than significant.

### Less Than Significant Impact

- b) The Renewable Energy and Conservation Element of the County of San Bernardino General Plan provides a road map for the County to achieve its energy goals. Table 14 provides an evaluation of project consistency with applicable goals and policies of the Renewable Energy and Conservation Element. As shown in Table 14, the project would comply with the applicable goals and policies of the Renewable Energy Conservation Element.

**Table 14 Project Consistency with the Renewable Energy and Conservation Plan**

Goals and Policies	Project Consistency Analysis
<p><b>RE Goal 1:</b> The County will pursue energy efficiency tools and conservation practices that optimize the benefits of renewable energy.</p> <p><b>RE Policy 1.2:</b> Optimize energy efficiency in the built environment.</p>	<p><b>Consistent.</b> The proposed project would comply with the CALGreen Nonresidential Mandatory Measure 5.106.5.2, Designated Parking for Clean Air Vehicles, and CALGreen Nonresidential Mandatory Measure 5.106.5.3, Electric Vehicle (EV) Charging. These measures require the property owner/developer to incorporate spaces for clean air vehicles and stalls for EV charging.</p>
<p><b>RE Goal 1:</b> The County will pursue energy efficiency tools and conservation practices that optimize the benefits of renewable energy.</p> <p><b>RE Policy 1.2.6:</b> Encourage new development to comply with the optional energy efficiency measures of the CALGreen Code.</p>	<p><b>Consistent.</b> The proposed project would support sustainable energy production through utilization of SCE electricity. The project would support sustainable energy consumption by complying with CALGreen standards. Additional measures would include, but not be limited to, foil on roof decking, semi-truck hooks ups to prevent idling, and use of concrete paving instead of asphalt.</p>

**RE Goal 2:** The County will be home to diverse and innovative renewable energy systems that provide reliable and affordable energy to our unique Valley, Mountain, and Desert regions.

**RE Policy 2.4.2:** Educate developers about the County's RE goals and policies and encourage the inclusion of renewable energy facilities for onsite use in new developments.

**Consistent.** Although the proposed project would not be an electricity provider, the project would utilize electricity onsite from SCE which would be subject to SB 100. SB 100 requires 44 percent of the energy mix to be renewable energy by 2024, 52 percent by 2027, 60 percent by 2030, and 100 percent by 2045. In 2017, 29 percent of SCE's electricity came from renewable resources. By 2030, SCE plans to achieve 80 percent carbon free energy. As the project would utilize electricity from SCE, the project would be consistent with RE Goal 2.

Source: County of San Bernardino, County of San Bernardino General Plan Renewable Energy and Conservation Element, adopted August 8, 2017 and amended February 2019

State and local plans for renewable energy and energy efficiency include the PUC Energy Efficiency Strategic Plan, the 2019 California Title 24 Building Energy Efficiency Standards, and the 2016 CALGreen standards. The property owner/developer would comply with the Title 24 and CALGreen standards, which would ensure the project incorporates energy efficient windows, insulation, lighting, ventilation systems, as well as water efficient fixtures and electric vehicle charging infrastructure. The property owner/developer would recycle and/or salvage a minimum of 65 percent of the nonhazardous construction and demolition waste per the 2019 CALGreen standards. Adherence to the CPUC's energy requirements would ensure conformance with the State's goal of promoting energy and lighting efficiency. Therefore, impacts associated with conflicts to renewable energy or energy efficiency plans would be less than significant.

### Less Than Significant Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VII. GEOLOGY AND SOILS - Would the project:</b>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:** (Check ☐ if project is located in the Geologic Hazards Overlay District): **San Bernardino County General Plan, 2007; Submitted Project Materials**

**San Bernardino County General Plan, 2007; Submitted Project Materials; Appendix D – Geotechnical Investigation for the Proposed Mixed-Use Development at Cedar Avenue & Santa Ana Avenue, Sladden Engineering, September 2019**

- a.i-iv) i) The project site and general San Bernardino County area are susceptible to strong ground motions due to earthquakes and numerous faults capable of producing significant ground motions. The proposed project would be designed per the 2019 CBC design guidelines to resist structural collapse and structural damage and thereby provide reasonable protection from serious injury, catastrophic property damage and loss of life.

Based on fault maps from the California Department of Conservation (DOC), the project site is not located in or adjacent to an Alquist-Priolo Fault Zone, and there are no known active or potentially active faults trending toward or through the site (DOC 2020).

Given the above considerations, the possibility of significant fault rupture on the project site is low and potential impacts associated with the rupture of a known earthquake fault would be less than significant.

### **Less Than Significant Impact**

ii) As stated above, the project site and general San Bernardino County area are susceptible to strong ground motions due to earthquakes due to numerous faults capable of producing significant ground motions. According to the Geotechnical Report prepared by Sladden Engineering, the site could be subjected to ground motions on the order of 0.54g. The proposed project would be designed to resist structural collapse and thereby provide reasonable protection from serious injury, catastrophic property damage and loss of life. The proposed project would be designed in accordance with the requirements of the 2019 edition of the CBC. The CBC provides procedures for earthquake resistant structural design that include considerations for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height.

Given the above considerations, potential risks of loss, injury, or death due to seismic ground shaking would be low. Impacts would be less than significant.

### **Less Than Significant Impact**

ii) Liquefaction is a phenomenon where loose, saturated, non-cohesive soils such as silts, sands, and gravels undergo a sudden loss of strength during earthquake shaking. These soils may acquire a high degree of mobility and lead to structurally damaging deformations. Liquefaction typically occurs in areas where groundwater is less than 30 feet from the surface and where the soils are composed of poorly consolidated fine- to medium-grained sand. In addition to the necessary soil conditions, the ground acceleration and duration of the earthquake must also be of a sufficient level to initiate liquefaction.

According to the County's Geologic Hazards Overlay Map, the project site is not located in an area of potential liquefaction (County of San Bernardino 2007). The condition of liquefaction has two principal effects. One is the consolidation of loose sediments with resultant settlement of the ground surface. The other is lateral sliding. Significant permanent lateral movement generally occurs only when there is significant differential loading, such as fill or natural ground slopes, in susceptible materials. No such loading conditions exist on the site (Sladden Engineering 2019). The potential for liquefaction or seismically induced dynamic settlement is very low in the areas proposed for development at the project site (Sladden Engineering 2019). Therefore, potential impacts would be less than significant.

### **Less Than Significant Impact**

iv) In San Bernardino County, the San Gabriel, San Bernardino, Little San Bernardino and Pinto Mountains comprise a portion of the Transverse Ranges. They are characterized by steep slopes, sharp narrow ridges, steep-walled incised canyons, valleys, and major faults. This setting can produce numerous landslides and mudslides, especially when combined with other adverse geologic conditions and heavy precipitation. Steepness of slope and the nature of the bedrock, soil, and precipitation combine to determine County landslide locations. However, the project site is not located near or in the vicinity of any of the areas the County's General Plan designates as having geological hazards, such as landslides (County of San Bernardino 2007). The project site is in an existing developed neighborhood with relatively flat conditions on and surrounding the project site. Therefore, no impacts associated with landslides would occur.

### **No Impact**

- b) The proposed project would not result in substantial erosion or loss of topsoil because of the County's drainage and water quality standards, as well as best management practices (BMPs) that would be implemented as part of the proposed project. Erosion control plans would be required as a part of the project specific drainage plan and would be reviewed and approved by the County. In addition, the SCAQMD and Santa Ana RWQCB regulate erosion and loss of topsoil. SCAQMD Rule 403 for control of fugitive dust would reduce the potential for soil erosion due to wind during construction. The RWQCB State's General Construction Permit and County Public Works Department would require compliance with storm water runoff for the proposed project, therefore reducing impacts associated with water erosion and loss of topsoil.

Because the project would disturb more than one acre of land, it would be subject to the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) (Construction General Permit) adopted by the SWRCB. Compliance with the permit requires the project applicant to file a Notice of Intent with the SWRCB. Permit conditions require preparation of a project-specific Stormwater Pollution Prevention Plan (SWPPP), which must describe the site, the facility, erosion and sediment controls, runoff water quality monitoring, means of waste disposal, implementation of approved local plans, construction sediment and erosion control measures, maintenance responsibilities, and non-stormwater management controls. Inspection of construction sites before and after storms is also required to identify stormwater discharge from the construction activity and to identify and implement erosion controls, where necessary. Impacts to topsoil would be less than significant.

### **Less Than Significant Impact**

- c) Lateral spreading is the horizontal movement or spreading of soil toward an open face. Lateral spreading may occur when soils liquefy during an earthquake event, and the liquefied soils with overlying soils move laterally to unconfined spaces. Subsidence is the sudden sinking or gradual downward settling of the earth's surface with little or no horizontal movement. Subsidence is caused by a variety of activities, which include, but are not limited to, withdrawal of groundwater, pumping of oil and gas from underground, the collapse of underground mines, liquefaction, and hydro-compaction. The project site is not located in an area of subsidence or collapse (Sladden Engineering 2019). Additionally, the project would not include activities known to cause subsidence, such as groundwater and oil or natural gas extraction. As discussed above, potential impacts associated with landslides and liquefaction would be less than significant due to the adherence to applicable policies and regulations. The project would comply with CBC requirements, including foundation and structural design standards, thus further limiting impacts related to unstable soils. Therefore, impacts would be less than significant.

### **Less Than Significant Impact**

- d) Expansive soils are soils that shrink or swell as water content changes. Highly expansive soils, specifically those with high clay content, can cause damage to structures and roadways. The near-surface soils generally consist of silty sands and gravelly sands. However, there is low expansive potential on site (Sladden Engineering 2019).

Additionally, the project would implement all structural and foundation design requirements of the CBC and all recommendations made by the site-specific geotechnical report, including stripping old fill, over-excavation, and re-compaction. Given that the soils on the site are not generally prone to high expansion and the project would implement foundation and structural design measures required by the CBC and site-specific geotechnical report, this impact would be less than significant.

#### **Less Than Significant Impact**

- e) The project would be connected to the City's existing sewer system for wastewater disposal and would not require a septic system. Therefore, the project would not result in impacts associated with soils that are incapable of supporting septic tanks and alternative wastewater disposal systems.

#### **No Impact**

- f) The paleontological sensitivities of the geologic units underlying the project site were evaluated to determine if activity conducted under the proposed project could result in significant impacts to paleontological resources. The analysis was based on the results of an online paleontological locality search and review of existing information in the scientific literature concerning known fossils within geologic units mapped within the project site. Fossil collections records from the Paleobiology Database and University of California Museum of Paleontology (UCMP) online database were reviewed for known fossil localities in San Bernardino County (Paleobiology Database 2020; UCMP 2020). Based on the available information contained within existing scientific literature and the UCMP database, paleontological sensitivities were assigned to the geologic units underlying the project site. The potential for impacts to scientifically important paleontological resources is based on the potential for ground disturbance to directly impact paleontologically sensitive geologic units. The Society of Vertebrate Paleontology (SVP) has developed a system for assessing paleontological sensitivity and describes sedimentary rock units as having high, low, undetermined, or no potential for containing scientifically significant nonrenewable paleontological resources (SVP 2010). This system is based on rock units within which vertebrate or significant invertebrate fossils have been determined by previous studies to be present or likely to be present.

The project site is situated in San Bernardino Valley within the northern Peninsular Ranges geomorphic province, one of 11 major provinces in the state (California Geological Survey [CGS] 2002). These provinces are "naturally defined geologic regions that display a distinct landscape or landform" (CGS 2002). The Peninsular Ranges trend northwest-southeast and extend 900 miles from the Los Angeles Basin to the tip of Baja California in Mexico. The province varies from 30 to 100 miles wide and is bounded on the east by the Colorado Desert and on the west by the coastal plain and the Gulf of California (Norris and Webb 1990).

As depicted in Figure 5, the surface geology of the project site is mapped as Quaternary young (late Holocene) alluvial-fan deposits, Unit 5 (Qyf5), Quaternary old (late to middle Pleistocene) alluvial-deposits, Unit 3 (Qof3) (Morton and Miller 2006). Quaternary young (late Holocene) alluvial-fan deposits, mapped within the western project site, consist of slightly dissected, unconsolidated to slightly consolidated coarse-grained sand to bouldery deposits derived from the San Bernardino Mountains. Quaternary old (late to middle Pleistocene) alluvial-fan deposits, mapped within the eastern project site,

consists of moderately dissected interstratified sand and gravel (Morton and Miller 2006).

A review of the museum records maintained in the UCMP online collections database identified two vertebrate fossil localities (V676 and V791); which yielded specimens of coyote (*Canis latrans*), bighorn sheep (*Ovis canadensis*), camel (*Camelops*), horse (*Equus*), mammoth (*Mammuthus*), elephant (*Elephas*), bat (*Pseudorhinolophus*), and pelican (*Pelecanus erythrorhynchos*); from early Holocene to late Pleistocene alluvial deposits in unspecified locations within San Bernardino County (UCMP 2020).

Late Holocene sedimentary deposits within the project site (e.g., Qyf5) are typically too young (i.e., less than 5,000 years old) to preserve paleontological resources and are herein determined to have a low paleontological sensitivity, at the surface and shallow depths.

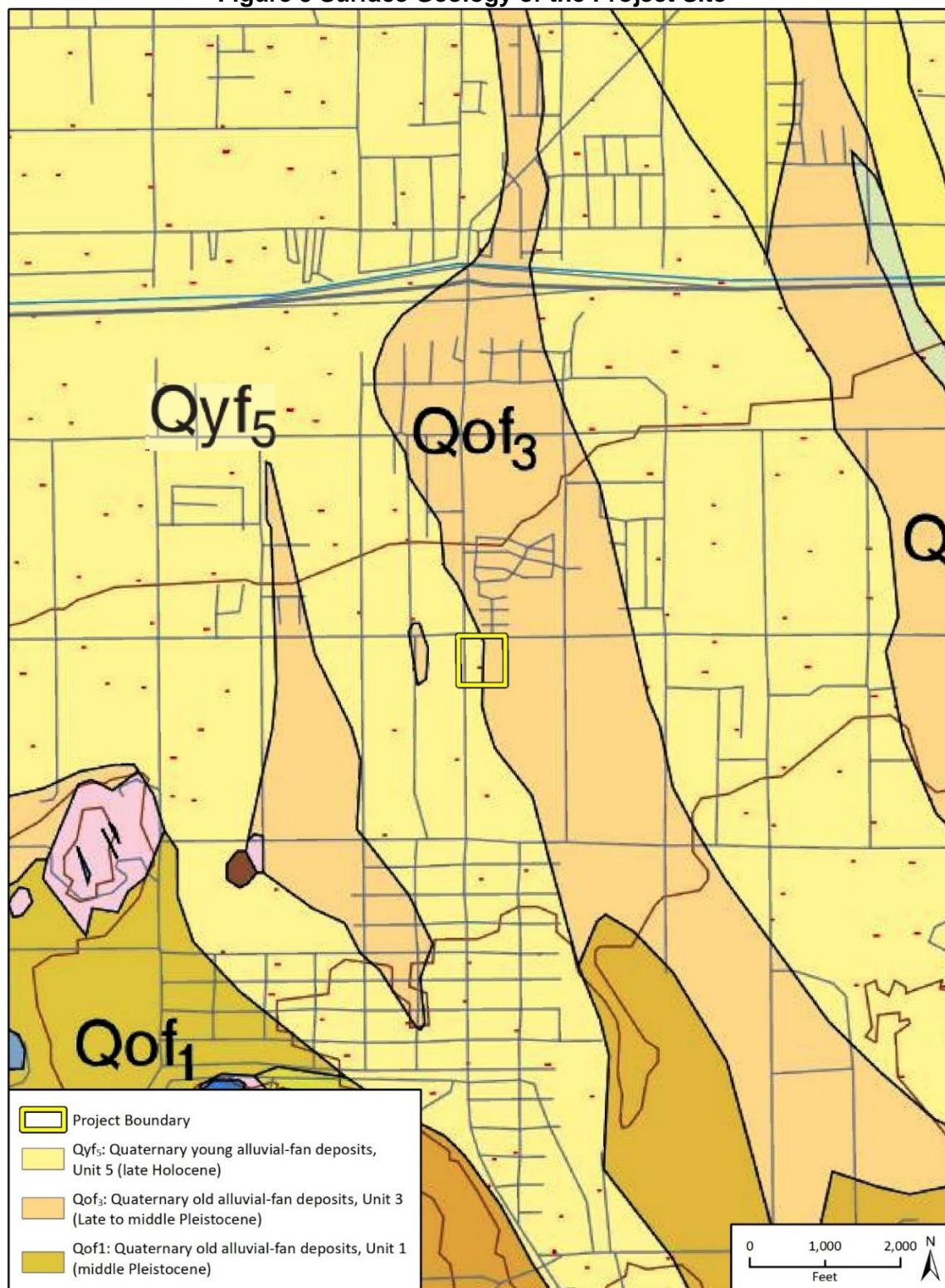
However, exposures of older alluvial deposits within the project site, and the stratigraphic setting in the vicinity are indicative that Pleistocene (e.g., Qof3-) units underlie the late Holocene units mapped at the surface, at unknown, but potentially shallow depths (Morton and Miller 2006). The mapped contact between geologic units is general considered a “hypothesis” and in most circumstances has not been field verified or mapped based on direct observations at any one specific site. Therefore, the specific boundary between young Holocene and Pleistocene units is unlikely to occur at exactly the location depicted on the geologic map within the project site. Furthermore, accurately assessing the stratigraphic boundaries between late Holocene units (i.e., Qyf5) and Pleistocene (e.g., Qof3) units is generally not possible without site-specific geochronologic data, some form of radiometric dating, or fossil analysis. The depths at which these units become old enough to yield fossils is highly variable, but generally does not occur at depths of less than five feet based on the proximity of geologic units with high paleontological sensitivity (i.e., Qof3 and Qof1) mapped near project areas underlain by late Holocene alluvial fan deposits (Qyf5) (Morton and Miller 2006). Refer to Figure 6 for the paleontological sensitivity of the project site.

Quaternary old (early Holocene to Pleistocene) alluvial sediments have a well-documented record of abundant and diverse vertebrate fauna throughout California. Localities have produced fossil specimens of mammoth (*Mammuthus columbi*), horse (*Equus*), camel (*Camelops*), and bison (*Bison*), as well as various birds, rodents, and reptiles (Agenbroad 2003; Jefferson 1985, 2010; Merriam 1911; Paleobiology Database 2020; Savage 1954; UCMP 2020). Therefore, Quaternary old (late to middle Pleistocene) alluvial fan deposits, Unit 3 (Qof3) are assigned a high paleontological sensitivity.

The project site is in an urban area and has been previously developed. Based on the findings of the geotechnical analysis, the project site is underlain by artificial fill associated with prior development to depths of approximately three feet below ground surface (Sladden Engineering 2019). However, project ground disturbance associated with the storm water system is proposed to reach depths of up to 10 feet below ground surface, whereas excavations related to the proposed storage gas tank may reach depths of approximately 14 feet below ground surface. These extensive excavations would extend below the boundary between artificial fill and native (i.e., previously undisturbed) sediments within the project site (Sladden Engineering 2019).



**Figure 5 Surface Geology of the Project Site**



Imagery provided by "Geologic Map of San Bernardino and Santa Ana 30' x 60' quadrangles, California," Morton & Miller, 2006.

Fig. 5 Geologic Unit

**Figure 6 Paleontological Sensitivity of Mapped Geologic Units of the Project Site**



If native/intact sediments of geologic units with a high paleontological sensitivity (i.e., Qof3 or Qyf5 at depths below five feet, shown in Figure 5 and Figure 6) at the surface and shallow subsurface are disturbed, impacts to paleontological resources could occur. Because the exact location of the surface contact between the two units cannot be confirmed without field verification of subsurface geologic conditions, high sensitivity geologic units may be present at the surface throughout the project site. Construction activities may result in the destruction, damage, or loss of undiscovered paleontological resources. However, implementation of Mitigation Measure MM GEO-1 during project construction would reduce potential impacts related to paleontological resources to a less than significant level by providing for the recovery, identification, and curation of previously unrecovered fossils. Impacts would be less than significant with mitigation.

### **Mitigation Measure**

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

#### **GEO-1 Paleontological Resources Monitoring**

Prior to the commencement of project construction, a qualified paleontological monitor (i.e., a paleontologist who meets the SVP [2010] standards as a Paleontological Resource Monitor) shall be retained to conduct paleontological monitoring during ground-disturbing activities (including, but not limited to site preparation, grading, excavation, and trenching) of all intact deposits (i.e. all disturbance of bedrock below the level of artificial fill). Monitoring shall be supervised by a Qualified Paleontologist (i.e., a paleontologist who meets the SVP [2010] standards as a Qualified Professional Paleontologist).

Full-time monitoring shall be conducted for all ground disturbance exceeding three feet, including excavations associated with the storm water system and storage gas tank. These project activities have a high potential of disturbing native, previously undisturbed geologic units including Quaternary old (late to middle Pleistocene) alluvial fan deposits, Unit 3 (Qof3), which have a high paleontological sensitivity. If the paleontological monitor determines that all or parts of the site are likely comprised of late Holocene alluvial fan deposits (Qyf5), monitoring can be discontinued in some or all of the project site; however, if Quaternary old alluvial deposits (Qof3) are observed at the surface or at depth, then full-time monitoring shall be continued until the full depth of excavation has been reached. Ground-disturbing activities that impact previously disturbed sediments (artificial fill) or surface soil do not require paleontological monitoring.

The duration and timing of the monitoring shall be determined by the Qualified Paleontologist. If the Qualified Paleontologist determines that full-time or part-time monitoring is no longer warranted, he or she may recommend reducing monitoring to periodic spot-checking or may recommend that monitoring cease entirely. Monitoring shall be reinstated if any new ground disturbances of previously undisturbed areas are required, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.

If a paleontological resource is discovered, the monitor shall have the authority to temporarily divert construction equipment around the find until it is assessed for scientific significance and collected. Once salvaged, significant fossils shall be prepared to a curation-ready condition and curated in a scientific institution with a permanent

paleontological collection (such as the Natural History Museum of Los Angeles County [NHMLAC] or UCMP). Curation fees are the responsibility of the project owner.

A final report shall be prepared describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the County. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

#### **Less Than Significant Impact with Mitigation Incorporated**

**Therefore, no significant adverse impacts are identified or anticipated with the implementation of Mitigation Measure MM GEO-1.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>VIII. GREENHOUSE GAS EMISSIONS – Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### ***SUBSTANTIATION:***

***San Bernardino County General Plan, 2007; Submitted Project Materials; Appendix A – Air Quality, Greenhouse Gas Emissions and Health Risk Assessment Impact Analysis for the Bloomington Commercial Center Project, Rincon Consultants, Inc. 2020***

#### **Climate Change Background**

Climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period of time. Climate change is the result of numerous, cumulative sources of greenhouse gases (GHGs). GHGs contribute to the "greenhouse effect," which is a natural occurrence that helps regulate the temperature of the planet. The majority of radiation from the Sun hits the Earth's surface and warms it. The surface in turn radiates heat back towards the atmosphere, known as infrared radiation. Gases and clouds in the atmosphere trap and prevent some of this heat from escaping back into space and re-radiate it in all directions. This process is essential to supporting life on Earth because it warms the planet by approximately 60° Fahrenheit. Emissions from human activities since the beginning of the industrial revolution (approximately 250 years ago) are adding to the natural greenhouse effect



by increasing the gases in the atmosphere that trap heat, thereby contributing to an average increase in the Earth's temperature.

GHGs occur naturally and from human activities. Human activities that produce GHGs are the burning of fossil fuels (coal, oil and natural gas for heating and electricity, gasoline and diesel for transportation); methane from landfill wastes and raising livestock; deforestation activities; and some agricultural practices. GHGs produced by human activities include carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>). Emissions of GHGs affect the atmosphere directly by changing its chemical composition while changes to the land surface indirectly affect the atmosphere by changing the way in which the Earth absorbs gases from the atmosphere. Potential impacts of global climate change in California may include loss of snowpack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.

### **Regulatory Framework**

#### *California Assembly Bill 32 and California Senate Bill 32*

The principal state plan and policy is Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, and the follow up, SB 32. The quantitative goal of AB 32 is to reduce GHG emissions to 1990 levels by 2020 and the goal of SB 32 is to reduce GHG emissions to 40 percent below 1990 levels by 2030.

#### *California Senate Bill 375*

California SB 375, signed in August 2008, directs each of the State's 18 major Metropolitan Planning Organizations (MPOs) to prepare a Sustainable Communities Strategy (SCS) that contains a growth strategy to meet GHG emission reduction targets. The SCS is included in the Regional Transportation Strategy (RTP). The SCAG RTP/SCS includes a commitment to reduce emissions from transportation sources by promoting compact and infill development to comply with SB 375.

#### *County of San Bernardino Greenhouse Gas Emissions Reduction Plan*

The County of San Bernardino Greenhouse Gas Emission Plan (GHG Plan), updated in 2015, requires the reduction of 159,423 metric tons of CO<sub>2</sub> equivalent emissions (MTCO<sub>2</sub>e) per year from new development by 2020 as compared to the unmitigated conditions. The Greenhouse Gas Emissions Development Review Process (GHG Review Process), prepared for the County of San Bernardino in March 2015, provides project level direction on how the County plans to achieve the reduction in GHG emissions.

### **Methodology**

GHG emissions associated with the project were estimated using CalEEMod, version 2016.3.2, as described under Section III, *Air Quality*. Complete CalEEMod results and assumptions can be viewed in Appendix A. Pursuant to SCAQMD guidance, total construction GHG emissions resulting from the project are amortized over 30 years and added to operational GHG emissions.

### **Significance Thresholds**

The GHG Review Processes determined that projects that do not exceed 3,000 MTCO<sub>2</sub>e per year will be consistent with the GHG Plan and determined to have

a less than significant individual and cumulative impact for GHG emissions. For projects that exceed 3,000 MTCO<sub>2</sub>e per year of GHG emissions the applicant may choose to either: utilize the Screening Tables, which consist of a list of mitigation measures, rated for their effectiveness and provide mitigation to reach 100 points; or provide a detailed GHG analysis that quantifies project design features or mitigation measures in order to reduce GHG emissions by 31 percent or more over year 2020 unmitigated GHG emissions levels.

- a) The proposed project is anticipated to generate GHG emissions from area sources, energy usage, mobile sources, waste disposal, water usage, and construction equipment. A summary of the results is shown below in Table 15. As shown in the table, the project would generate 3,002.79 MTCO<sub>2</sub>e per year, which would exceed the County's bright line screening threshold of 3,000 MTCO<sub>2</sub>e per year. Impacts would be potentially significant.

**Table 15 Project GHG Emissions**

Emission Source	GHG Emissions (MT/year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
Area <sup>1</sup>	<1	<1	<1	<1
Energy <sup>2</sup>	182.95	0.01	<1	183.80
Mobile <sup>3</sup>	2,760.37	0.30	<1	2,767.94
Solid Waste <sup>4</sup>	10.62	0.63	<1	26.31
Water and Wastewater <sup>4</sup>	8.78	0.07	<1	11.05
Construction <sup>5</sup>	13.61	<1	<1	13.69
<b>Total GHG Emissions</b>	<b>2,976.33</b>	<b>1.01</b>	<b>&lt;1</b>	<b>3,002.79</b>
County GHG Emissions Reduction Plan Screening Threshold				3,000
<b>Threshold Exceeded?</b>				<b>Yes</b>

Source: Appendix A

<sup>1</sup> Area sources consist of GHG emissions from consumer products, architectural coatings, and landscaping equipment.

<sup>2</sup> Energy usage consists of GHG emissions from electricity and natural gas usage.

<sup>3</sup> Mobile sources consist of GHG emissions from vehicles.

<sup>4</sup> Waste includes the CO<sub>2</sub> and CH<sub>4</sub> emissions created from the solid waste placed in landfills.

<sup>5</sup> Water includes GHG emissions from electricity used for transport of water and processing of wastewater.

<sup>6</sup> Construction emissions amortized over 30 years as recommended in the SCAQMD GHG Working Group on November 19, 2009.

## Mitigation Measure

### GHG-1 GHG Emissions Screening Tables

Prior to the approval of grading permits, the project applicant shall demonstrate that it would implement a minimum of 100 points of GHG reduction measures listed in the County's GHG Emissions Screening Tables. Per County standards, projects that exceed 3,000 MT CO<sub>2</sub>e and implement a minimum of 100 points would be consistent with the County's GHG Plan and would therefore result in a less than significant impact.

### Less Than Significant Impact with Mitigation

- b) The applicable plan for the proposed project is the County GHG Plan. In addition, the GHG Review Processes provides direction for conformity of new development projects to the GHG Plan. The GHG Review Processes determined that projects that do not exceed 3,000 MTCO<sub>2</sub>e per year would be consistent with the GHG Plan and would have a less than significant individual and cumulative impact for GHG emissions. For projects that exceed 3,000 MTCO<sub>2</sub>e per year of GHG emissions, the GHG Review Processes has determined that implementation of 100 or greater points associated with mitigation measures listed on its Screen Tables, would adequately reduce the proposed project's GHG emissions, when considered with other future development and existing development to allow the County to meet its 2020 target GHG reductions and support reductions in GHG emissions beyond 2020.

As shown above, the proposed project would create 3,002.79 MTCO<sub>2</sub>e per year, which would exceed the 3,000 MTCO<sub>2</sub>e per year screening threshold provided in the GHG Review Processes. Therefore, at these emissions, the project would conflict with the County GHG Plan and result in potentially significant impacts. This would be mitigated through Mitigation Measure MM GHG-1, which requires the project applicant to commit to 100 points of GHG emissions reduction measures that are listed in the Screening Tables. Therefore, impacts would be less than significant with mitigation.

#### **Less Than Significant Impact with Mitigation**

**Therefore, no significant adverse impacts are identified with implementation of Mitigation Measure MM GHG-1.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a result, would it create a significant hazard to the public or the environment?

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

#### ***SUBSTANTIATION:***

#### ***San Bernardino County General Plan, 2007; Submitted Project Materials***

##### **Regulatory Framework**

The transport, use, and storage of hazardous materials is regulated by federal, state, local laws and regulatory agencies.

##### **Federal Regulations**

The 1975 Hazardous Materials Transportation Act (HMTA) is the principal federal law in the United States regulating the transportation of hazardous materials. It is in the Secretary of Transportation's authority to designate material or a group or class of material as hazardous when they meet the definition of hazardous material under the HMTA. A hazardous material is any particular quantity or form of a material that may pose an unreasonable risk to health and safety or property during transportation in commerce, which includes materials that are explosive, radioactive, infectious, flammable, toxic, oxidizing, or corrosive. The law establishes minimum standards of regulation for the transport of hazardous materials by air, ship, rail, and motor vehicle. The HMTA is implemented through various agencies based on the mode of transportation and the type of hazardous material being transported (U.S. Government Publishing Office 2011).

The 1976 Resource Conservation and Recovery Act (RCRA) gives USEPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. USEPA-administered permits are required for generators and transportation, storage and disposal facilities. Compliance monitoring involves reviewing a facility's compliance with the requirements of its permit and with the regulations applicable to the facility type. Management of used motor oil and oil filters, which may be generated from use of construction vehicles, is regulated by storage standards established by the RCRA. USEPA and its regulatory partners conduct inspections of recycled used oil facilities to assure compliance with applicable regulations (USEPA 2018).



### **State Regulations**

The California Fire Code, CCR, Title 24 requirements prescribe safe accommodations for materials associated with the construction of new buildings that present a moderate explosion hazard, high fire or physical hazard, or health hazards. Hazardous materials are required to be stored in designated areas designed to prevent accidental release to the environment [California Building Standards Commission (CBSC) 2016].

Under CCR, Title 22, hazardous wastes must be disposed of only at State-permitted treatment, storage, or disposal facilities and cannot be disposed of in the regular trash, onto the surface of the ground, or into the storm drain. In addition, they may not be dumped into the sewer system without an industrial waste discharge pretreatment permit from the local sewer agency for that specific waste, and properly treated first before discharge. Hazardous wastes must be transported only by California Registered Hazardous Waste Transporters. These transporters must be registered by the California Department of Toxic Substances Control (DTSC) and California Highway Patrol (DTSC 2019).

Pursuant to the Emergency Services Act, California developed an Emergency Response Plan to coordinate emergency services provided by federal, State, and local governmental agencies and private persons. Response to hazardous materials incidents is one part of this plan. The plan is administered by the State Office of Emergency Services (Cal OES). Cal OES coordinates the responses of other agencies, including the USEPA, California Highway Patrol (CHP), CDFW, the RWQCBs, the local air pollution control districts, and local agencies (Cal OES 2019).

The State of California Division of Occupational Safety and Health, better known as Cal/OSHA, has regulations concerning the use of hazardous materials, including requirements for safety training, availability of safety equipment, hazardous materials exposure warnings, and emergency action and fire prevention plan preparation. Cal/OSHA enforces the hazard communication program regulations, which include provisions for identifying and labeling hazardous materials, describing the hazards of chemicals, and documenting employee-training programs (California Department of Industrial Relations 2019).

### **Local Regulations**

The Certified Unified Program Agency (CUPA) is an agency certified by the DTSC to regulate hazardous waste generators and onsite treatment programs; aboveground and underground storage tank programs; Hazardous Materials Management, Business Plans, and Inventory Statements; and the Risk Management and Prevention Program. The San Bernardino County Fire Department (SBCFD), Hazardous Materials Division (HHMD) is the CUPA responsible for administering hazardous materials programs in San Bernardino County.

- a) Construction of the proposed project would entail routine transport of potentially hazardous materials, including gasoline, oil solvents, cleaners, paint, and soil to and from the project site. Proper BMPs, preparation of a SWPPP, and hazardous material handling protocols would be required to ensure safe storage, handling, transport, use, and disposal of all hazard materials during the construction phase of the proposed project. Construction would also be required to adhere to any local standards set forth by the County, as well as state and federal health and safety requirements that are intended to

minimize hazardous materials risks to the public, such as California OSHA requirements, the Hazardous Waste Control Act, the California Accidental Release Prevention program, and the California Health and Safety Code.

Operation of the proposed project would involve typical activities associated with gas stations, convenience stores, and restaurants. The CUPA would review the project to ensure the fuel dispensing system is designed in accordance with federal and SWRCB standards for leak detection. The transport of fuel and tank filling operations would be conducted in compliance with applicable regulatory requirements. Additional hazardous materials could include private use of commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available substances. These substances are required to comply with guidelines to minimize health risk to the public associated with hazardous materials. Therefore, potential impacts associated with the routine transport, use or disposal of hazardous materials would be less than significant.

### **Less Than Significant Impact**

#### **b) Construction**

Accidental conditions during construction of the project could occur as a result of any of the following: direct dermal contact with hazardous materials; incidental ingestion of hazardous materials, or inhalation of airborne dust released from dried hazardous materials. The transportation of hazardous materials could result in accidental spills, leaks, toxic releases, fire, or explosion.

Compliance with federal, state, and local laws, regulations, and Cal/OSHA training programs would minimize or avoid potential impacts associated with the routine transport, use, or disposal of hazardous materials during construction. Appropriate documentation for all hazardous waste that is transported, stored, or used in connection with specific project-site activities would be provided as required for compliance with existing hazardous materials regulations codified in the CCR.

Construction activities on the project site would be required to comply with federal and state laws to eliminate or reduce the consequence of hazardous materials accidents. For example, employees who would work around hazardous materials would be required to wear appropriate protective equipment, and safety equipment is routinely available in all areas where hazardous materials are used. Adherence to the federal, state, and local regulations governing the transportation, use, and disposal of hazardous waste would reduce impacts associated with reasonably foreseeable upset and accident conditions during construction to less than significant.

#### **Operation**

Maintenance and upkeep of facilities on-site, including cleaning of fueling areas, parking areas, and restaurant areas, would occasionally require the use of various solvents, cleaners, paints, oils/fuels, and pesticides/herbicides. Accidents may occur during the transport, storage, use, or disposal of hazardous materials, including spills or leaks. Adherence to County of San Bernardino and SBCFD HHMD plans and regulations would reduce the potential for contamination from hazardous materials through proper cleanup, disposal, and remediation.

Therefore, impacts due to reasonably foreseeable upset and accident conditions during operation of the project would be less than significant.

### **Less Than Significant Impact**

- c) The nearest school to the project site is the Village Christian School located approximately 0.7-mile northeast at 8930 Village Avenue. As described under Section IX.a and b, project would comply with applicable regulatory requirements for hazardous materials. Therefore, the project would not emit hazardous emissions or create significant hazards from hazardous materials within one-quarter mile of an existing or proposed school, and no impacts would occur.

### **No Impact**

- d) Government Code Section 65962.5 requires the California Environmental Protection Agency to develop an updated Cortese List, which includes information on hazardous material sites collected from the DTSC, SWRCB, and the USEPA. The analysis for this section included a review of the following resources on August 12, 2020 to provide hazardous material release information:

- SWRCB GeoTracker database (SWRCB 2015)
- DTSC EnviroStor database (DTSC 2019)
- USEPA Superfund Enterprise Management System (SEMS) (USEPA 2019)

Based on review of these databases, it was determined the project site is not included on existing lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The GeoTracker database identified the following one Leaking Underground Storage Tank (LUST) Cleanup Sites within 0.25 mile of the project site:

- Cedar and Santa Ana Station (T0607100468): Located at 10898 Cedar Avenue, approximately 100 feet northwest across the intersection of Cedar Avenue and Santa Ana Avenue, the site is a LUST Cleanup Site, listed for potential gasoline contamination of the soil. The site's cleanup status is listed as "completed – case closed" as of April 30, 1998. The site currently operates as a gas station.

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The listed site within 0.25 mile of the project site has a completed cleanup status and, therefore, would not impact the project site. No impact would occur.

### **No Impact**

- e) The nearest airport to the project site is Flabob Airport, located approximately 4.5 miles to the south of the project in Riverside County. San Bernardino County has 15 airport land use plans and maintains airport safety review areas for geographical regions that are in a potential airport hazard area. The project site is not located within any airport land use plan and is not located within an airport safety review area. Therefore, no impacts associated with a safety hazard or excessive noise from aircraft for people residing or working in the project area would occur.

### **No Impact**

- f) Specifications for the proposed improvements would be subject to County requirements, including Chapter 83.09 – Infrastructure Improvement Standards, and Chapter 83.12 – Road System Design Standards to ensure that adequate dimensions for emergency vehicles are met. The proposed access to the project site would be required to meet

standards that allow emergency response vehicles, such as firetrucks, to service the entire development. Fire plan check would be required through the County's fire department to ensure adequate service is provided. Additionally, the project would be subject to review and compliance with the County's Building Code to ensure structural integrity of all proposed buildings. The project would not compromise the County's Emergency Management Plan because it would be developed in conformance with the required standards set forth by the County's Zoning Ordinance. These standards ensure project elements such as access, structural integrity, and clearances around structures are met so that they do not impact emergency response.

No roads would be permanently closed as a result of the construction or operation of the project and no structures would be developed that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No structures would be developed that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. If there are temporary lane closures during project construction (potentially on Cedar Avenue or Santa Ana Avenue), construction activities would avoid interference with an emergency plan through the use of traffic control measures to maintain traffic flow and access and/or road detours. Due to the temporary nature of project construction and the use of traffic control measures to avoid interference with an emergency plan, potential impacts from project construction would be less than significant.

In addition, as discussed in Section XVII, *Transportation*, the project would not have a significant impact on area intersections that would be used for emergency access or evacuation. As such, implementation operation of the project would not interfere with existing emergency evacuation plans or emergency response plans in the area. Therefore, the operation of the project would not result impacts to emergency response or evacuation plans.

#### **No Impact**

- g) A combination of climate, topography, vegetation, and development patterns creates high fire hazard risks throughout the County, especially in the many areas of wildland/urban intermix located in foothills and mountainous areas countywide. As development encroaches upon wildland areas, the potential for disastrous loss of watershed, structures, and life (human and wildlife) increases. Establishment of a coordinated program to condition development in some of these areas has been adopted through the Fire Safety Overlay provisions of the County Development Code. Continuous evaluation and application of Hazard Overlays and accompanying policies and standards for adequate services, facilities, mapping, and developmental regulation are required as pressure for development increases countywide. Included in developmental regulation are requirements for minimum road widths (to provide adequate access for both fire-fighting equipment and evacuating residents) and clearance around structures to prevent the rapid spread of fire from one structure to another. The project site is not located within the designated Fire Safety Overlay and is not located in an area where wildland and urban areas intermix. The project site is in a developed portion of the Bloomington community area, and is surrounded by existing development, including railroad infrastructure to the north and west, with the I-10 to the north beyond the railroad. Additionally, while the project site is located within a Local Responsibility Area, it is not designated within a High Fire Hazard Severity Zone (County of San Bernardino 2010).

The proposed project would be subject to the standards and requirements set forth in the California Fire Code and CBC. Therefore, no impacts associated with the exposure of people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires would occur.

The project would not create a significant risk of loss, injury, or death involving wildfires, and this impact would be less than significant. For more discussion of potential impacts related to wildfire, please refer to Section XX, *Wildfire*.

### No Impact

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

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>X. HYDROLOGY AND WATER QUALITY - Would the project:</b>					
a)	Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
	i. result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv. impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) | Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

***SUBSTANTIATION:***

***San Bernardino County General Plan, 2007; Submitted Project Materials; Appendix E – Hydrology Study for TMP 20192, Black Gold Engineering, March 2020***

- a) The proposed project would not violate any water quality standards or waste discharge requirements because a final Water Quality Management Plan (WQMP) would be required to be prepared and approved by the County as a part of the grading and building permit processes. The WQMP details how the proposed project would comply with the requirements of the County's Municipal Stormwater Management Program and NPDES Permit for the County. Non-structural and structural source control BMPs would be required to be incorporated into the proposed project. Applicable BMPs include, but are not limited to, activity restrictions, compliance with the County's water quality ordinance, litter debris control program, and compliance with all other applicable NPDES permit requirements. The project developer would be required to prepare a SWPPP for construction activity associated with the proposed project. The SWPPP shall be maintained at the construction site for the entire duration of construction. The objectives of the SWPPP are to identify pollutant sources that may affect the quality of storm water discharge and to implement BMPs to reduce pollutants in storm water discharges during construction and post construction in compliance with NPDES. Projects that comply with NPDES standards would result in a less than significant impact.

Because the project would result in disturbance of more than one-acre, on-site construction activities would be subject to the NPDES Construction General Permit, as described in Section VII, *Geology and Soils*. For all covered projects, the NPDES construction permit requires visual monitoring of stormwater and non-stormwater discharges, sampling, analysis, and monitoring of non-visible pollutants, and compliance with all applicable water quality standards established for receiving waters potentially affected by construction discharges. Additionally, construction site operators would be responsible for preparing and implementing a SWPPP that outlines project-specific BMPs to control erosion, sediment release, and otherwise reduce the potential for discharge of pollutants in stormwater. Typical BMPs include use of temporary de-silting basins, construction vehicle maintenance in staging areas to avoid leaks or spills of fuels, motor oil, coolant, and other hazardous materials, and installation of silt fences and erosion control blankets.

Implementation of BMPs in addition to the preparation of a SWPPP and compliance of an NPDES Construction General Permit would result in less than significant impacts to surface or ground water quality.

**Less Than Significant Impact**

- b) The project site is underlain by the 92-square mile Upper Santa Ana Valley Groundwater Basin, Riverside-Arlington Sub-basin (Groundwater Basin Number 8-2.03) (DWR 2004). The 1969 Western-San Bernardino Judgment (Western Municipal Water District [WMWD] of Riverside County et al. v. East San Bernardino County Water District et al., Case No. 78426) settled extraction rights throughout the Upper Santa Ana River

watershed to meet flow obligations to lower reaches of the river (RPU 2016). The judgment resulted in adjudication of a portion of the sub-basin (Riverside Sub-basin) where the project site is located. Under the Western-San Bernardino Judgment, safe yield from the Riverside South basin is set at 29,633 acre-feet per year. Sources of inflow to the Riverside South basin include deep percolation from precipitation and irrigation on agricultural and native lands, underflow from adjacent basins, and recharge from the Santa Ana River. The project does not propose any additions of wells. In addition, the project would be served by West Valley Water District (WVWD) whose supplies from the Riverside Arlington sub-basin are limited by the sub-basin's adjudication.

Given the above considerations, the project's impacts to its respective groundwater basin would be less than significant.

#### **Less Than Significant Impact**

- c) The project would not alter the course of a stream or river on-site because the project site contains no water bodies. However, the project would alter site drainage through the addition of impervious surfaces, which can increase stormwater runoff volume and flow. The site has two main drainage areas. A portion of the site drains to the southwest down an existing slope and the remainder of the project site drains south (Sladden Engineering 2019). The existing drainage would be slightly altered to direct all drainage to Cedar Avenue which has been recently updated with improved curbs and gutters. Compliance with the County's Low Impact Development (LID) ordinance and the San Bernardino County MS4 permit requires capture and treatment of the 85th percentile, 24-hour storm event. As part of the project's final design review, the project would be required to submit a WQMP demonstrating adequate stormwater retention using infiltration basins, bio-retention areas, capture and controlled release tanks, or another BMP. Such BMPs would slow the velocity of water and allow sediment and debris to settle out of the water column, thereby minimizing the potential for downstream flooding, erosion/siltation, or exceedances of stormwater drainage system capacity.

According to the Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map, the project site is located in Zone X, a designation that is used for areas where there is minimal flood hazard (FEMA 2020).

Given that the project would implement BMPs to capture and retain stormwater on-site, as described above for compliance with the County's LID ordinance and MS4 permit requirements, potential impacts related to the alteration of the site's drainage pattern would be less than significant.

#### **Less Than Significant Impact**

- d) As discussed above, the project site is designated Zone X, indicating an area of minimal flood hazard (FEMA 2020). Given the topography of the project site, it is unlikely that inundation of the site would occur in response to a storm event. Regardless, neither construction nor operation of the project involves storage or processing of pollutants that could be released due to inundation from a flood hazard.

The project site is approximately 45 miles from the Pacific Ocean and not subject to tsunami, and the nearest inland surface water body that may be subject to seiche is Puddingstone Reservoir, approximately 14 miles to the southwest. According to the County's General Plan, the project site is not located in a dam inundation zone (County of San Bernardino 2007).



Therefore, the project is not located in a flood hazard, tsunami, or seiche zone where project inundation could result in the release of pollutants. No impact would occur.

**No Impact**

- e) All individual projects implemented under the County's General Plan would comply with applicable federal, state, and local water quality regulations. Currently, the County of San Bernardino follows state standards for water quality and does not have their own specific standards. During construction, the proposed project would be required to obtain coverage under the state's General Permit for Construction Activities that is administered by the RWQCB. Storm water management measures would be required to be identified and implemented that would effectively control erosion and sedimentation and other construction-based pollutants during construction.

As described above, the project would implement on-site storage of stormwater runoff, as required pursuant to the County's LID ordinance, providing an opportunity for debris, sediment, and sediment-bound pollutants to settle out of the water column prior to discharge downstream. The requirements of the County's LID ordinance and the applicable MS4 permit are intended to protect water quality and support attainment of water quality standards in downstream receiving water bodies. The project does not involve use of septic systems, pet parks, agricultural land or other land uses commonly associated with high concentrations of nutrients, indicator bacteria, or chemical toxicity.

Neither construction nor operation of the proposed project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. No impact would occur.

**No Impact**

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

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XI. LAND USE AND PLANNING - Would the project:</b>					
a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

***San Bernardino County General Plan, 2007; Submitted Project Materials***

- a) The proposed project, located on the southeast corner of Cedar Avenue and Santa Ana Avenue, would be an infill development within an existing industrial and commercial area and would construct a convenient store, fuel stations, diesel bays, and two

restaurants on an undeveloped site. Surrounding uses include single-family residences and commercial uses to the north, vacant land to the south, vacant and industrial uses to the east, and industrial, commercial, and the Upland Indonesian SDA Church to the west.

The proposed project would not physically impede or divide existing communities, as it would be contained wholly on a private lot that is physically constrained by the existing roadway infrastructure to the north and west. Residential uses adjacent to- and in the vicinity of the proposed project would not be divided in that circulation from the proposed project would not impact existing roadways or create a physical barrier that would prohibit movement. The project site would maintain access to and from the existing public road. The project would not involve construction of freeways, walls, or other features that would divide an established community, and no impact would occur.

### **No Impact**

- b) The proposed project site is currently designated RS, Single Residential (RS-1) per County of San Bernardino General Plan and zoned Bloomington/Single Residential one-acre minimum/Additional Agriculture (BL/RS-1-AA) per the County of San Bernardino Development Code. A General Plan Amendment and Conditional Use Permit have been submitted with the County that would change the land use from residential to general commercial and would allow for the uses proposed by the project. In addition, the proposed project meets the development standards described in Section 82.05 of the County Development Code. Therefore, the proposed project would be consistent with the anticipated land use and zoning for the project site.

The development of a convenient store, fuel stations, diesel bays, and two restaurants would not conflict with any land use plan, policy or regulation adopted for the purpose or avoiding or mitigating an environmental effect. Therefore, the project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.

### **Less Than Significant Impact**

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

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XII. MINERAL RESOURCES - Would the project:</b>					
a)	Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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):

**San Bernardino County General Plan, 2007; Submitted Project Materials**

- a-b) The project site and vicinity is located in Mineral Resource Zone 3 (MRZ-3), which indicates that known or inferred mineral occurrences of undetermined mineral resource significance may be present (County of San Bernardino 2019). According to the California Geological Survey, the project site is not located within a sector designated by the State Mining and Geology Board as containing regionally significant PCC-grade aggregate resources (USGS 2020).

The project site currently consists of undeveloped and disturbed land. No portion of the project site or nearby vicinity is being used for extraction of mineral resources. The surrounding properties are developed consistent to the Bloomington Community Plan's land use designations of industrial and residential. Therefore, no impacts associated with the loss of availability of a locally important mineral resource recovery site as delineated on the General Plan, Bloomington Community Plan or other land use plan would occur.

**No Impact**

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
<b>XIII. NOISE</b> - Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise 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 ☐):

***San Bernardino County General Plan, 2007; Submitted Project Materials; Appendix F – Noise Impact Analysis for the Bloomington Commercial Center Project, Rincon Consultants, Inc. 2020***

The following analysis is based on the Bloomington Commercial Center Noise and Vibration Study prepared for the project by Rincon Consultants, Inc. in September, 2020. The report is included in full as Appendix F.

## **Noise**

Sound is a vibratory disturbance created by a moving or vibrating source, which is capable of being detected by the hearing organs. Noise is defined as sound that is loud, unpleasant, unexpected, or undesired and may therefore be classified as a more specific group of sounds. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and, in the extreme, hearing impairment (Caltrans 2013).

Noise levels are commonly measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels so that they are consistent with the human hearing response, which is most sensitive to frequencies around 4,000 Hertz and less sensitive to frequencies around and below 100 Hertz (Kinsler, et. al. 1999). Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used to measure earthquake magnitudes. A doubling of the energy of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; dividing the energy in half would result in a 3 dB decrease (Crocker 2007).

Human perception of noise has no simple correlation with sound energy: the perception of sound is not linear in terms of dBA or in terms of sound energy. Two sources do not “sound twice as loud” as one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA, increase or decrease (i.e., twice the sound energy); that a change of 5 dBA is readily perceptible (8 times the sound energy); and that an increase (or decrease) of 10 dBA sounds twice (half) as loud ([10.5x the sound energy] Crocker 2007).

Sound changes in both level and frequency spectrum as it travels from the source to the receiver. The most obvious change is the decrease in level as the distance from the source increases. The manner by which noise reduces with distance depends on factors such as the type of sources (e.g., point or line, the path the sound travels, site conditions, and obstructions). Noise levels from a point source typically attenuate, or drop off, at a rate of 6 dBA per doubling of distance (e.g., construction, industrial machinery, ventilation units). Noise from a line source (e.g., roadway, pipeline, railroad) typically attenuates at about 3 dBA per doubling of distance (Caltrans 2013). The propagation of noise is also affected by the intervening ground, known as ground absorption. A hard site, such as a parking lot or smooth body of water, receives no additional ground attenuation and the changes in noise levels with distance (drop-off rate) result from simply the geometric spreading of the source. An additional ground attenuation value of 1.5 dBA per doubling of distance applies to a soft site (e.g., soft dirt, grass, or scattered bushes and trees) (Caltrans 2013). Noise levels may also be reduced by intervening structures; the amount of attenuation provided by this “shielding” depends on the size of the object and the frequencies of the noise levels. Natural terrain features such as hills and dense woods, and man-made features such as buildings and walls, can significantly alter noise levels. Generally, any large structure blocking the line of sight provides at least a 5-dBA reduction in source noise

levels at the receiver (Federal Highway Administration [FHWA] 2011). Structures can substantially reduce exposure to noise as well. The FHWA's guidelines indicate that modern building construction generally provides an exterior-to-interior noise level reduction of 20 to 35 dBA with closed windows.

The impact of noise is not a function of loudness alone. The time of day when noise occurs and the duration of the noise are also important factors of project noise impact. Most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors have been developed. One of the most frequently used noise metrics is the equivalent noise level ( $L_{eq}$ ); it considers both duration and sound power level.  $L_{eq}$  is defined as the single steady A-weighted level equivalent to the same amount of energy as that contained in the actual fluctuating levels over time. Typically,  $L_{eq}$  is summed over a one-hour period.  $L_{max}$  is the highest root mean squared (RMS) sound pressure level within the sampling period, and  $L_{min}$  is the lowest RMS sound pressure level within the measuring period (Crocker 2007).

Noise that occurs at night tends to be more disturbing than that occurring during the day. Community noise is usually measured using Day-Night Average Level ( $L_{dn}$ ), which is the 24-hour average noise level with a +10 dBA penalty for noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. It is also measured using CNEL, which is the 24-hour average noise level with a +5 dBA penalty for noise occurring from 7:00 p.m. to 10:00 p.m. and a +10 dBA penalty for noise occurring from 10:00 p.m. to 7:00 a.m. (Caltrans 2013). Noise levels described by  $L_{dn}$  and CNEL usually differ by about 1 dBA. The relationship between the peak-hour  $L_{eq}$  value and the  $L_{dn}$ /CNEL depends on the distribution of traffic during the day, evening, and night. Quiet suburban areas typically have CNEL noise levels in the range of 40 to 50 dBA, while areas near arterial streets are in the 50 to 60-plus CNEL range. Normal conversational levels are in the 60 to 65-dBA  $L_{eq}$  range; ambient noise levels greater than 65 dBA  $L_{eq}$  can interrupt conversations (FHWA 2018).

### **Vibration**

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent structures. The number of cycles per second of oscillation makes up the vibration frequency, described in terms of Hz. The frequency of a vibrating object describes how rapidly it oscillates. The normal frequency range of most groundborne vibration that can be felt by the human body starts from a low frequency of less than 1 Hz and goes to a high of about 200 Hz (Crocker 2007).

While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration in buildings, such as from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise. Groundborne noise is usually only a problem when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hz), or when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source (Federal Transit Administration [FTA] 2018). Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

Vibration energy spreads out as it travels through the ground, causing the vibration level to diminish with distance away from the source. High-frequency vibrations diminish much more rapidly than low frequencies, so low frequencies tend to dominate the spectrum at large distances from the source. Discontinuities in the soil strata can also cause diffractions or

channeling effects that affect the propagation of vibration over long distances (Caltrans 2020). When a building is impacted by vibration, a ground-to-foundation coupling loss usually reduces the overall vibration level. However, under rare circumstances, the ground-to-foundation coupling may actually amplify the vibration level due to structural resonances of the floors and walls.

Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean squared (RMS) vibration velocity. The PPV and RMS velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Caltrans 2020).

### Existing Noise Environment

To determine the existing noise levels, noise measurements have been taken in the vicinity of the project site. The field survey noted that noise within the proposed project area is generally characterized by vehicle traffic on Cedar Avenue, which is located adjacent to the west side of the project site and Santa Ana Avenue, which is located adjacent to the north side of the project site. The noise monitoring locations were selected in order to obtain noise levels at the nearest residential uses to the project site. Descriptions and results of the noise monitoring sites are provided below in Table 16. The noise monitoring data printouts are included in the full noise report in Appendix F.

**Table 16 Existing (Ambient) Noise Level Measurements**

Site No.	Site Description	Average (dBA $L_{eq}$ )		1-hr Average (dBA $L_{eq}/Time$ )		Average (dBA CNEL)
		Daytime	Nighttime	Maximum		
1	Located north of project site, near southwest corner of mobile home park, approximately 60 feet north of Santa Ana Avenue centerline.	66.2	59.3	54.6 1:31 a.m.	70.6 7:26 p.m.	68.8
2	Located northeast of project site, on west property line of home at 18824 Santa Ana Avenue, approximately 55 feet north of Santa Ana Avenue centerline.	63.3	56.5	51.2 1:17 a.m.	64.6 1:32 p.m.	65.6
3	Located southwest of the project site, north of home at 11034 Cedar Avenue, approximately 60 feet west of Cedar Avenue centerline.	72.4	66.9	63.3 12:56 a.m.	73.5 4:00 p.m.	75.5
Daytime defined as 8:00 a.m. to 10:00 p.m. (Section 83.01.080 of the Municipal Code)						
Nighttime define as 10:01 p.m. to 8:01 a.m. (Section 83.01.080 of the Municipal Code)						
Source: Appendix F						

## Regulatory Framework

### *Federal Regulations*

Although the proposed project is not under the jurisdiction of the FTA, the FTA is the only agency that provides guidance on construction noise and recommends developing construction noise criteria on a project-specific basis that utilizes local noise ordinances if possible. However, local noise ordinances usually relate to nuisance and hours of allowed activity and sometimes specify limits in terms of maximum levels but are generally not practical for assessing the noise impacts of a construction project. Project construction noise criteria should take into account the existing noise environment, the absolute noise levels during construction activities, the duration of the construction, and the adjacent land uses. The FTA standards are based on extensive studies by the FTA and other governmental agencies on the human effects and reaction to noise and a summary of the FTA findings for a detailed construction noise assessment are provided in Table 17.

**Table 17 FTA Construction Noise Criteria**

Land Use	Day (dBA $L_{eq}$ )	Night (dBA $L_{eq}$ )	30-day Average (dBA $L_{dn}$ )
Residential	80	70	75
Commercial	85	85	80
Industrial	90	90	85

Federal Transit Administration, 2018.

### *County of San Bernardino General Plan*

The following applicable goals and policies to the proposed project are from the Noise Element of the General Plan.

Goal N1: The County will abate and avoid excessive noise exposures through noise mitigation measures incorporated into the design of new noise-generating and new noise-sensitive land uses, while protecting areas within the County where the present noise environment is within acceptable limits.

#### Policies:

N1.1: Designate areas within San Bernardino County as “Noise impacted” if exposed to existing or projected future exterior noise levels from mobile or stationary sources exceeding the standards listed in Chapter 83.01 of the Development Code.

N1.3: When industrial, commercial, or other land uses, including locally regulated noise sources, are proposed from areas containing noise-sensitive land uses, noise levels generated by the proposed use will not exceed the performance standards within outdoor activity areas. If outdoor activities areas have not yet been determined, noise levels shall not exceed the performance standards listed in Chapter 83.01 of the Development Code at the boundary of areas planned or zoned for residential or other noise-sensitive land uses.

N1.5: Limit truck traffic in residential and commercial areas to designated truck routes; limit construction, delivery, and through-truck traffic to designated routes; and distribute maps of approved truck routes to County traffic officers.

N1.6: Enforce the hourly noise-level performance standards for stationary and other locally regulated sources, such as industrial, recreational, and contraction activities as well as mechanical and electrical equipment.

N1.7: Prevent incompatible land uses, by reason or excessive noise levels, from occurring in the future.

*County of San Bernardino Code of Ordinances*

Section 81.010.080 establishes standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses.

(a) Noise Measurement. Noise shall be measured:

- a. At the property line of the nearest site that is occupied by, and/or zoned or designated to allow the development of noise sensitive land uses;
- b. With a sound level meter that meets the standard of the American National Standards Institute (ANSI Section S14-1979, Type 1 or Type 2);
- c. Using the “A” weighted sound pressure level scale in decibels (ref. Pressure = 20 micronewton per meter squared). The unit of measure shall be designated as dB(A).

(b) Noise Impacted Areas. Areas within the County shall be designed as “noise-impacted” if exposed to existing or projected future exterior noise levels from mobile or stationary sources exceeding the standards listed in Subdivision (d) (Noise Standards for Stationary Noise Sources) and Subdivision (e) (Noise Standards for Adjacent Mobile Noise Sources), below. New development of residential or other noise-sensitive land uses shall not be allowed in noise-impacted areas unless effective mitigation measures are incorporated into the project design to reduce noise levels to these standards. Noise-sensitive land uses shall include residential uses, schools, hospitals, nursing homes, religious institutions, libraries, and similar uses.

(c) Noise Standards for Stationary Noise Sources

- a. Noise Standards. Table 18 describes the noise standard for emanations from a stationary noise source, as it affects adjacent properties.

**Table 18 Community Noise Exposure**

Affected Land Uses (Receiving Noise)	7 a.m. - 10 p.m. $L_{eq}$	10 p.m. - 7 p.m. $L_{eq}$
Residential	55 dBA	45 dBA
Professional Services	55 dBA	55 dBA
Other Commercial	60 dBA	60 dBA
Industrial	70 dBA	70 dBA

Source: County of San Bernardino, 2020

Note:

a.No person shall operate or cause to be operated a source of sound at a location or allow the creation of noise on property owned, leased, occupied, or otherwise controlled by the person, which causes the noise level, when measured on another property, either incorporated or unincorporated, to exceed any one of the following:

- i. The noise standard for the receiving land use for a cumulative period of more than 30 minutes in any hour.
- ii. The noise standard plus five dBA for a cumulative period of more than 15 minutes in any hour.



- iii. The noise standard plus ten dBA for a cumulative period of more than five minutes in any hour.
- iv. The noise standard plus 15 dBA for a cumulative period of more than one minute in any hour.
- v. The noise standard plus 20 dBA for any period of time.

(d) Noise standards for adjacent Mobile Noise Sources. Noise from mobile sources shall be mitigated for any new development to a level that shall not exceed the standards described in Table 19.

**Table 19 County of San Bernardino Noise Standards for Mobile Noise Sources**

Categories	Land Use	L <sub>dn</sub> (or CNEL) dBA	
		Interior	Exterior
Residential	Single and multi-family, duplex, mobile homes	45	60
Commercial	Hotel, motel, transient housing	45	60
	Commercial, retail, bank, restaurant	50	N/A
	Office building, research and development, professional offices	45	65
	Amphitheater, concert hall, auditorium, movie theater	45	65
Institutional/Public	Hospital, nursing home, school classroom, religious institution. Library	45	65
Open Space	Park	N/A	65

The indoor environment shall exclude bathrooms, kitchens, toilets, closets and corridors.

The outdoor environment shall be limited to: hospital office building patios, hotel and motel recreation areas, mobile home parks, multi-family private patios or balconies, park picnic areas, private yard of single-family dwellings, school playgrounds. An exterior noise level of up to 65 dBA (or CNEL) shall be allowed provided exterior noise levels have been substantially mitigated through a reasonable application of the best available noise reduction technology, and interior noise exposure does not exceed 45 dBA (or CNEL) with windows and doors closed. Requiring that windows and doors remain closed to achieve an acceptable interior noise level shall necessitate the use of air condition or mechanical ventilation.

Source: County of San Bernardino, 2020.

- (a) Increases in Allowable Noise Levels. If the measured ambient levels exceed any of the first four noise limit categories in Subdivision (d)(2), the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category in Subdivision (d)(2), the maximum allowable noise levels under this category shall be increased to reflect the maximum ambient noise level.
- (b) Reductions in Allowable Noise Levels. If the alleged offense consists entirely of impact noise or simple tone noise, each of the noise levels in Table 18 shall be reduced by five dBA.
- (c) Exempt Noise. The following sources of noise shall be exempt from the regulations of this section:
  - a. Motor vehicles not under the control of the commercial or industrial use.
  - b. Emergency equipment, vehicles, and devices.

- c. Temporary construction, maintenance, repairs, or demolition activities between 7:00 a.m. and 7:00 p.m., except Sundays and Federal Holidays.
- (d) Noise Standards for other Structures. All other structures shall sound attenuate against the combined input of all present and projected exterior noise to not exceed the criteria.

**Table 20 County of San Bernardino Noise Standards for Mobile Noise Sources**

Typical Uses	12-Hour Equivalent Sound Level (Interior) in dBA L <sub>dn</sub>
Education, institutions, libraries, meeting facilities, etc.	45
General office, reception, etc.	50
Retail stores, restaurants, etc.	55
Other areas for manufacturing, assembly, testing, warehousing, etc.	65

Source: County of San Bernardino, 2020

In addition, the average of the maximum levels on the loudest intrusive sounds occurring during a 24-hour period shall not exceed an interior noise level 65 dBA.

Section 83.010.090, Vibration, of the County Code states that no ground vibration shall be allowed that can be felt without the aid of instruments at or beyond the lot line, nor shall any vibration be allowed which produces a particle velocity greater than or equal to two-tenths in/sec. measured at or beyond the lot line: Temporary construction, maintenance, repair, or demolition activities between 7:00 a.m. and 7:00 p.m., except Sundays and Federal holidays, is exempt from this limit.

a) **Construction-Related Noise**

The construction activities for the proposed project are anticipated to include site preparation and grading of the project site, building construction and application of architectural coatings to the proposed gas station, convenience market and two restaurants with drive-throughs, and paving of the proposed parking lot and driveways. Noise impacts from construction activities associated with the proposed project would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities. Project construction would occur nearest to the single-family and mobile home residences to the north of the project site. Over the course of a typical construction day, construction equipment would be located as close as 100 feet to the nearest residential property line.

Section 83.01.080(g)(3) of the County's Municipal Code allows construction noise to exceed the County noise standards provided that construction activities occur between 7:00 a.m. and 7:00 p.m., except Sundays and Federal holidays. However, the County construction noise standards do not provide any quantitative limits to the noise levels that may be created from construction activities and even with adherence to the County standards, construction noise levels may result in a significant substantial temporary noise increase to the nearby residents.

In order to determine if the proposed construction activities would create a significant substantial temporary noise increase, the FTA construction noise criteria thresholds have been utilized, which shows that a significant construction noise impact would occur if construction noise exceeds 80 dBA during the daytime at any of the nearby homes.

Construction noise impacts to the nearby sensitive receivers have been calculated through use of the Roadway Construction Noise Model (RCNM). At a distance of 100 feet, a dozer and an excavator would generate a noise level of 74.2 dBA  $L_{eq}$ . This would be well below the FTA daytime threshold of 80 dBA  $L_{eq}$  for an 8-hour period. Therefore, through adherence to the limitation of allowable construction times provided in Section 83.01.080(g)(3) of the Municipal Code, construction-related noise levels would not exceed noise standards and impacts would be less than significant.

## Operational-Related Noise

### *Roadway Vehicular Noise*

Vehicular noise is a combination of the noise produced by the engine, exhaust and tires. The level of traffic noise depends on three primary factors: the volume of traffic, the speed of traffic, and the number of trucks in the flow of traffic. The proposed project does not propose any uses that would require a substantial number of truck trips and the proposed project would not alter the speed limit on any existing roadway so the proposed project's potential offsite noise impacts have been focused on the noise impacts associated with the change of volume of traffic that would occur with development of the proposed project.

The General Plan Noise Element Goal N1 requires the avoidance of excessive noise exposure to noise sensitive land uses. However, the General Plan does not quantify what is a significant roadway noise increase. For traffic-related noise, impacts would be considered significant if project-generated traffic would result in exposure of sensitive receptors to an unacceptable increase in noise levels. For purposes of this analysis, a significant impact would occur if project related traffic increases the ambient noise environment of noise-sensitive locations by 3 dBA or more if the locations are subject to noise levels in excess of normally acceptable noise levels in Table IV-K-1 of the County General Plan Final Program Environmental Impact Report (County of San Bernardino 2007), or by 5 dBA or more if the land uses are exposed to conditionally acceptable or unacceptable noise levels.

The potential offsite traffic noise impacts created by the ongoing operations of the proposed project have been analyzed through utilization of the FHWA model. The project's potential offsite traffic noise impacts have been analyzed for the existing year, opening year 2021, and horizon year 2040 conditions.

### Existing Conditions

The proposed project's potential offsite roadway noise impacts have been calculated through a comparison of the existing scenario to the existing with project scenario. Results of this comparison are shown in Table 21.

**Table 21 Existing Conditions Project Traffic Noise Contributions**

Roadway	Segment	dBA CNEL at Nearest Receptor			
		Existing	Existing Plus Project	Project Contribution	Significant Impact?
Linden Avenue	North of Santa Ana Avenue	53.7	53.9	0.2	No
Linden Avenue	South of Santa Ana Avenue	56.3	56.4	0.1	No

Cedar Avenue	North of Slover Avenue	66.0	66.7	0.7	No
Cedar Avenue	North of Santa Ana Avenue	64.7	65.6	0.9	No
Cedar Avenue	South of Project Driveway 1	65.0	65.6	0.6	No
Cedar Avenue	South of Jurupa Avenue	63.7	64.0	0.3	No
Larch Avenue	North of Santa Ana Avenue	57.7	57.9	0.2	No
Larch Avenue	South of Santa Ana Avenue	54.6	54.9	0.3	No
Slover Avenue	West of Cedar Avenue	63.9	64.3	0.4	No
Slover Avenue	East of Cedar Avenue	62.7	63.1	0.4	No
Santa Ana Avenue	West of Linden Avenue	56.9	58.0	1.1	No
Santa Ana Avenue	West of Cedar Avenue	57.6	58.7	1.1	No
Santa Ana Avenue	East of Cedar Avenue	56.2	60.2	4.0	No
Santa Ana Avenue	East of Larch Avenue	53.1	55.1	2.0	No
Jurupa Avenue	West of Cedar Avenue	59.4	60.1	0.7	No
Jurupa Avenue	East of Cedar Avenue	61.6	62.1	0.5	No

Distance to nearest residential use does not take into account existing noise barriers.

A significant impact would occur if project related traffic increases the ambient noise environment of noise-sensitive locations by 3 dBA or more if the locations are subject to noise levels in excess of normally acceptable noise levels in Table IV-K-1 of the County General Plan Final Program Environmental Impact Report (County of San Bernardino 2007), or by 5 dBA or more if the land uses are exposed to conditionally acceptable or unacceptable noise levels.

Source: Rincon Consultants, Inc. 2020

Table 21 shows that for the existing conditions, the proposed project's permanent noise increases to the nearby homes from the generation of additional vehicular traffic would not exceed noise thresholds. Therefore, the proposed project would not result in a substantial permanent increase in ambient noise levels for existing conditions. Impacts would be less than significant.

## Opening Year 2021 Conditions

The proposed project's potential offsite roadway noise impacts have been calculated through a comparison of the opening year 2021 scenario to the opening year 2021 with project scenario. The results of this comparison are shown in Table 22.

**Table 22 Opening Year 2021 Conditions Project Traffic Noise Contributions**

Roadway	Segment	dBA CNEL at Nearest Receptor			
		Existing	Existing Plus Project	Project Contribution	Significant Impact?
Linden Avenue	North of Santa Ana Avenue	56.0	56.1	0.1	No
Linden Avenue	South of Santa Ana Avenue	58.4	58.5	0.1	No
Cedar Avenue	North of Slover Avenue	69.5	69.9	0.4	No
Cedar Avenue	North of Santa Ana Avenue	68.2	68.6	0.4	No
Cedar Avenue	South of Project Driveway 1	68.2	68.5	0.3	No
Cedar Avenue	South of Jurupa Avenue	65.1	65.3	0.2	No
Larch Avenue	North of Santa Ana Avenue	57.8	58.0	0.2	No
Larch Avenue	South of Santa Ana Avenue	54.8	55.0	0.2	No
Slover Avenue	West of Cedar Avenue	65.4	65.7	0.3	No
Slover Avenue	East of Cedar Avenue	64.3	64.6	0.3	No
Santa Ana Avenue	West of Linden Avenue	57.2	58.3	1.1	No
Santa Ana Avenue	West of Cedar Avenue	57.8	58.9	1.1	No
Santa Ana Avenue	East of Cedar Avenue	57.6	60.8	3.2	No
Santa Ana Avenue	East of Larch Avenue	53.6	55.4	1.8	No

Jurupa Avenue	West of Cedar Avenue	59.0	59.7	0.7	No
Jurupa Avenue	East of Cedar Avenue	61.8	62.2	0.4	No

Distance to nearest residential use does not take into account existing noise barriers.  
A significant impact would occur if project related traffic increases the ambient noise environment of noise-sensitive locations by 3 dBA or more if the locations are subject to noise levels in excess of normally acceptable noise levels in Table IV-K-1 of the County General Plan Final Program Environmental Impact Report (County 2007), or by 5 dBA or more if the land uses are exposed to conditionally acceptable or unacceptable noise levels.  
Source: Rincon Consultants, Inc. 2020

Table 22 shows that for the opening year 2021 conditions, the proposed project's permanent noise increases to the nearby homes from the generation of additional vehicular traffic would not exceed noise thresholds. Therefore, the proposed project would not result in a substantial permanent increase in ambient noise levels for the opening year 2021 conditions. Impacts would be less than significant.

### Horizon Year 2040 Conditions

The proposed project's potential offsite roadway noise impacts have been calculated through a comparison of the horizon year 2040 scenario to the horizon year 2040 with project scenario. The results of this comparison are shown in Table 23.

**Table 23 Horizon Year 2040 Conditions Project Traffic Noise Contributions**

Roadway	Segment	dBA CNEL at Nearest Receptor			Significant Impact?
		Existing	Existing Plus Project	Project Contribution	
Linden Avenue	North of Santa Ana Avenue	57.5	57.6	0.1	No
Linden Avenue	South of Santa Ana Avenue	59.9	59.9	0.0	No
Cedar Avenue	North of Slover Avenue	71.4	71.7	0.3	No
Cedar Avenue	North of Santa Ana Avenue	69.8	70.1	0.3	No
Cedar Avenue	South of Project Driveway 1	69.8	70.0	0.2	No
Cedar Avenue	South of Jurupa Avenue	69.0	69.1	0.1	No
Larch Avenue	North of Santa Ana Avenue	59.3	59.4	0.1	No
Larch Avenue	South of Santa Ana Avenue	56.6	56.8	0.2	No

Slover Avenue	West of Cedar Avenue	70.4	70.5	0.1	No
Slover Avenue	East of Cedar Avenue	68.2	68.3	0.1	No
Santa Ana Avenue	West of Linden Avenue	60.8	61.3	0.5	No
Santa Ana Avenue	West of Cedar Avenue	61.0	61.6	0.6	No
Santa Ana Avenue	East of Cedar Avenue	62.3	63.7	2.4	No
Santa Ana Avenue	East of Larch Avenue	61.9	62.2	0.3	No
Jurupa Avenue	West of Cedar Avenue	65.2	65.4	0.2	No
Jurupa Avenue	East of Cedar Avenue	66.7	66.9	0.2	No

Distance to nearest residential use does not take into account existing noise barriers.

A significant impact would occur if project related traffic increases the ambient noise environment of noise-sensitive locations by 3 dBA or more if the locations are subject to noise levels in excess of normally acceptable noise levels in Table IV-K-1 of the County General Plan Final Program Environmental Impact Report (County of San Bernardino 2007), or by 5 dBA or more if the land uses are exposed to conditionally acceptable or unacceptable noise levels.

Source: Rincon Consultants, Inc. 2020

Table 23 shows that for the horizon year 2040 conditions, the proposed project's permanent noise increases to the nearby homes from the generation of additional vehicular traffic would not exceed noise thresholds. Therefore, the proposed project would not result in a substantial permanent increase in ambient noise levels for the horizon year 2040 conditions. Impacts would be less than significant.

### On-site Noise Sources

Project operation may increase noise levels from rooftop mechanical equipment, parking lots, semi-trucks, gas station activities, and drive-through speakers. Section 83.01.080(c) of the County's Code limits the noise created from stationary sources on the project site at the nearby homes to 55 dBA between 7:00 a.m. to 10:00 p.m. and 45 dBA between 10:00 p.m. and 7:00 a.m. Section 83.01.080(d) of the County's Municipal Code limits the noise created from mobile noise sources, such as trucks to 60 dBA at the exterior of the nearest homes.

The nearest sensitive receptors to the project site are residents at the mobile home park that are located as near as 85 feet north of the project site. There are also single-family homes located as near as 125 feet to the northeast, and 220 feet to the southwest of the project site.

In order to determine the noise impacts from the operation of rooftop mechanical equipment, parking lots, semi-trucks, and drive-through speakers, reference noise measurements were taken of each noise source and are shown on Table 24. The noise levels from each source were calculated through use of standard geometric spreading of noise from a point source with a drop-off rate of 6 dB for each doubling of the distance between the source and receiver.

**Table 24 Onsite Operational Noise Levels at the Nearby Sensitive Receptors**

Operational Noise Levels (dBA L <sub>eq</sub> ) at:					
Noise Source	Mobile Homes to North	Single-Family Homes Northeast	Single-Family Homes to Southwest	County Noise Standard (Day/Night)	Exceed Standard?
Rooftop Equipment	40	33	35	55/45	No/No
Parking Lot	35	33	30	60/60	No/No
Semi-Truck	59	57	49	60/60	No/No
Drive-Through Speaker	28	25	30	55/45	No/No
Gas Station	41	34	33	55/45	No/No

The noise levels were calculated through use of standard geometric spreading of noise from a point source with drop-off rate of 6 dB for each doubling of the distance between the source and receiver. Does not account for noise reduction features such as buildings and walls.

Reference noise measurements are from Appendix F, and include:

- Rooftop equipment is based on a reference noise measurement of 66.6 dBA at 10 feet.
- Parking lot is based on a reference noise measurement of 63.1 dBA at 5 feet.
- Semi-Truck is based on a reference noise measurement of 61.2 dBA at 10 feet.
- Drive-through speaker is based on a reference noise measurement of 61.2 dBA at 10 feet.
- Gas station is based on a reference noise measurement of 61.7 dBA at 25 feet.

Table 24 shows that the proposed project's on-site operational noise from the anticipated noise sources would not exceed the applicable noise standards for each stationary and mobile noise source. Therefore, operational onsite noise impacts would be less than significant.

#### **Less Than Significant Impact**

##### **b) Construction-Related Vibration Impacts**

The construction activities for the proposed project are anticipated to include site preparation and grading of the project site, building construction and application of architectural coatings to the proposed gas station, convenience market and two restaurants with drive-throughs, and paving of the proposed parking lot and driveways. Vibration impacts from construction activities associated with the proposed project would typically be created from the operation of heavy off-road equipment. The nearest offsite sensitive receivers are residents at the mobile home park located as near as 85 feet north of the project site.

Section 83.01.090 of the County's Municipal Code restricts the creation of vibration which produces a particle velocity greater than 0.2 inch-per-second PPV. The primary source of vibration during construction would be from the operation of a bulldozer. A large bulldozer would create a vibration level of 0.089 in/sec. PPV at 25 feet. Based on typical propagation rates, the vibration level at the nearest residences at 85 feet would be 0.023 in/sec. PPV. The vibration level at the nearest homes would be well below the County's 0.2 in/sec. PPV threshold. Impacts would be less than significant.



### Operations-Related Vibration Impacts

The proposed project would consist of the development of a commercial center. The proposed project would result in the operation of trucks on the project site, which are a known source of vibration. Caltrans has done extensive research on vibration level created along freeways and State Routes; maximum vibration measurements of roads conducted by Caltrans are approximately 0.08 inches per second PPV at 15 feet from the center of the nearest lane (Caltrans 2020). Truck activities would occur onsite as near as 85 feet from the nearest residences. Based on typical propagation rates, the vibration level at the nearest homes would be 0.012 in/sec. PPV. Therefore, vibration created from operation of the proposed project would be well below the County's 0.2 in/sec. PPV threshold. Impacts would be less than significant.

### Less Than Significant Impact

- c) The proposed project would not expose people residing or working in the project area to excessive noise levels from aircraft. The nearest airport is Flabob Airport that is located approximately 4.5 miles south of the project site. The project site is located outside of the 60 dBA CNEL noise contours of Flabob Airport (Riverside County Airport Land Use Commission 2004). No impacts would occur from aircraft noise.

### No Impact

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIV. POPULATION AND HOUSING - Would the project:</b>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### SUBSTANTIATION:

**San Bernardino County General Plan, 2007; Submitted Project Materials.**

- a) The proposed project would not induce substantial unplanned population growth, either directly or indirectly. The project does not propose new housing. The proposed project would generate new employment opportunities in the Bloomington area consistent with the development pattern in San Bernardino County. The proposed project is a convenience store and gas station and two drive through fast food restaurants. All of these uses are of typical use associated with County development. Development of the

project would not result in unplanned population growth because they would not create an extension of any public road or create road connectivity not previously available. In addition, the project would generate employment that would most likely be filled by existing residents in Bloomington. Therefore, impacts associated with substantial unplanned population growth would be less than significant.

**Less than Significant Impact**

- b) The project site is currently undeveloped, with no existing residences. As noted under Section XIV.a, the project would construct a convenience store and gas station, and two drive through fast food restaurants. Therefore, the project would not necessitate the construction of replacement housing elsewhere. There would be no impact.

**No Impact**

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XV. PUBLIC SERVICES</b>				
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 checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

***San Bernardino County General Plan, 2007; Submitted Project Materials***

- a) Fire protection services are provided by the Central Valley Fire Protection District within the Bloomington Community planning area. The SBCFD provides administration and support for these fire districts and other services such as hazardous materials regulation, dispatch communication and disaster preparedness. The County Fire Department provides services through the Valley Division of the department. There are two fire stations located within the Bloomington plan area: Valley Division Station 76 located at 10174 Magnolia, and Valley Division Station 77 located at 17459 Slover. Another agency that provides fire protection services and/or fire related information for the Bloomington Community Plan area is the California Department of Forestry and Fire Protection (CDF).

The project site is located nearest to SBCFD's station no. 77, approximately one mile north from the site. The proposed project would comply with the California Fire Code and CBC, including project features that aid in fire safety and support fire suppression activities, such as fire sprinklers, paved access, and required aisle widths. The proposed project would not result in the need to construct a new fire station or physically alter an existing station. Therefore, potential impacts associated with fire protection would be less than significant.

The San Bernardino County Sheriff's Department provides police protection services to San Bernardino County, including the Bloomington community area. The closest sheriff station to the project site is the Fontana Patrol Station located at 17005 Upland Avenue in the City of Fontana, approximately 3.8 miles north. The proposed project involves the construction of a commercial development and is not anticipated to generate significant police calls which would warrant construction of a new police station or expansion of an existing station. The Fontana Police Department is overseen by one police chief and three captains with their own respective divisions (City of Fontana 2020). Additionally, the police department has three separate operations divisions including volunteer groups to allow for quicker response times. Therefore, potential impacts associated with police protection would be less than significant.

The project site is in the Colton Joint Unified School District. The nearest schools are Crestmore Elementary School, located approximately 0.4 mile south, and Walter Zimmerman Elementary School, located approximately 0.35 mile west. However, the proposed project involves the construction of a commercial development and involves no residential dwelling units. The property owner/developer would be required to pay school impact fees as levied by the district, which would provide funding for school facilities. Since the proposed project does not propose new housing, any potential impacts would be considered incremental and can be offset through the payment of the appropriate development impact fees. The project would not result in substantial adverse physical impacts related to schools. Therefore, potential impacts associated with schools would be less than significant.

The Bloomington Park District manages parks within the community plan area. Local recreation facilities include Ayala Park, Kessler Park, and two smaller parks located on the southeast and southwest sides of Cedar Avenue and Valley Boulevard.

The nearest park to the project site is located at Sycamore Hills Park, located approximately 0.65 mile to the southwest. The proposed project does not involve the construction, expansion or direct need of/for park or other public facilities because the proposed project would not construct new residential dwelling units. Probable use of a government facility associated with the proposed project, such as a park, would be limited. Therefore, potential impacts associated with parks and other public facilities would be less than significant.

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

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVI. RECREATION</b>				
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 will occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

***SUBSTANTIATION:***

***San Bernardino County General Plan, 2007; Submitted Project Materials***

- a) The nearest recreational facilities are Kessler Park located approximately 0.5 mile to the southwest and Green Acres Park located approximately 1 mile to the south of the project site. The proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated because the proposed project would not generate any new residential dwelling units. In addition, impacts from employees would be less than significant because the project proposes commercial uses, where people associated with the use would be expected to work at the project site. Probable use associated with the project would be limited in time to employee break periods, such as meals. Therefore, potential impacts associated with an increase use of neighborhood and regional parks would be less than significant.

**Less than Significant Impact**

- b) The proposed project does not include recreational facilities or require the construction or expansion of recreation facilities. Therefore, no impacts associated with recreational facilities which may have an adverse physical effect on the environment would occur.

**No Impact**

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

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

***SUBSTANTIATION:***

***San Bernardino County General Plan, 2007; Submitted Project Materials; Appendix G – Final Traffic Impact Study for the Bloomington Commercial Center, Minagar & Associates, Inc. June 2020***

The following analysis is based on the Bloomington Commercial Center Final Traffic Impact Analysis (TIA) prepared for the project by Minagar & Associates Inc. Traffic analyses without and with the project were conducted for the “Operating Year” (2021) and “Horizon Year” (2040) conditions for fourteen intersections located in the unincorporated region of Bloomington and San Bernardino County. An additional three study locations are added for the three additional driveways introduced by the proposed project on Cedar Avenue and Santa Ana Avenue. The report is included in full as Appendix G.

**a) Trip Generation**

The site fits the criteria for a truck stop based on the Institute of Transportation Engineers (ITE). The ITE Trip Generation, 10th Edition defines a truck stop as a facility on or near major roadways providing refueling, food, and other services to motorists and truck drivers. Truck stops typically contain convenience stores, showers, restaurants, and on-site truck parking spaces. The project site would take access at one right-in-right-out driveway along Cedar Avenue and one right-in-left-out driveway along Santa Ana Avenue.

To determine the trips forecast to be generated by the proposed project, ITE Trip Generation Manual, 10th Edition rates were utilized in accordance with the San Bernardino County Guidelines. The trip rate was determined utilizing the independent variable of gross floor area for Truck Stops – Usage Code 950. When accounting for pass-by trips, the project would generate approximately 372 AM peak hour trips, 320 PM peak hour trips, and 6,410 daily trips (Minagar & Associates Inc 2020).

### Trip Distribution

The Highway Capacity Manual (HCM) 6th Edition operation methodology for Signified and Unsignalized Intersections was used to determine the operating Levels of Service (LOS) of the study Intersections. The HCM methodology describes the operation of an intersection using a range of level of service from LOS A to LOS F. San Bernardino County considers LOS D or better to be acceptable intersection operation conditions during peak traffic periods in valley regions. Any intersection that is operating at LOS E or F is considered deficient for purposes of this analysis.

### Opening Year (2021)

The results of the Opening Year (2021) intersection LOS analysis are shown in Table 25.

**Table 25 Opening Year Intersection Level of Service**

Intersection	Control	Without Project		Without Project		With Project		With Project	
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
		Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)	LOS
Cedar Avenue/Valley Boulevard	Signalized	17.0	B	17.2	B	17.1	B	17.4	B
Cedar Avenue/I-10 WB	Signalized	96.7	F	28.6	C	97.5	F	29.2	C
Cedar Avenue/I-10 EB	Signalized	51.3	D	49.6	D	56.7	E	50.9	D
Cedar Avenue/Orange Street	Signalized	98.0	F	46.0	D	105.4	F	47.4	D
Linden Avenue/Slover Avenue	AWSC	101.5	F	46.2	E	107.3	F	50.9	F
Cedar Avenue/Slover Avenue	Signalized	239.5	F	129.7	F	256.4	F	135.3	F
Larch Avenue/Slover Avenue	Signalized	6.1	A	8.0	A	6.1	A	19.1	B
Linden Avenue/Santa Ana Avenue	AWSC	14.3	B	14.8	B	15.9	C	16.3	C
Cedar Avenue/Santa Ana Avenue	Signalized	77.5	D	94.4	F	102.9	F	118.0	F
Larch Avenue/Santa Ana Avenue	AWSC	12.0	B	11.3	B	13.2	B	12.0	B
Driveway 1/Cedar Avenue	--	--	--	--	--	17.3	B	14.3	B
Driveway 2/ Santa Ana Avenue	--	--	--	--	--	11.9	B	14.0	B
Jurupa Avenue/Linden Avenue	AWSC	13.2	B	11.9	B	14.1	B	12.4	B
Cedar Avenue/Jurupa Avenue	Signalized	39.8	D	41.2	D	40.0	D	42.1	D
Jurupa Avenue/Larch Avenue	AWSC	15.9	C	16.3	C	19.3	C	18.7	C
Cedar Avenue/El Rivino Road	Signalized	17.9	B	18.3	B	18.1	B	18.0	B

Source: Appendix G

As shown in Table 25, the following intersections operate at a deficient LOS in the Opening Year (2021) scenario with project trips:

- Cedar Avenue/I-10 Westbound Ramps
- Cedar Avenue/I-10 Eastbound Ramps
- Cedar Avenue/Orange Street
- Linden Avenue/Slover Avenue
- Cedar Avenue/Slover Avenue
- Cedar Avenue/Santa Ana Avenue

### Horizon Year (2040)

The result of the Horizon Year (2040) intersection LOS analysis are shown in Table 26.

**Table 26 Horizon Year Intersection Level of Service**

Intersection	Control	Without Project		Without Project		With Project		With Project	
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour
		Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)	LOS
Cedar Avenue/Valley Boulevard	Signalized	33.1	C	27.0	C	33.1	C	27.1	C
Cedar Avenue/I-10 WB	Signalized	148.8	F	42.3	D	147.7	F	41.2	D
Cedar Avenue/I-10 EB	Signalized	79.5	E	38.1	D	86.2	F	39.3	D
Cedar Avenue/Orange Street	Signalized	69.6	E	83.3	F	83.6	F	83.7	F
Linden Avenue/Slover Avenue	AWSC	118.0	F	164.3	F	124.7	F	172.9	F
Cedar Avenue/Slover Avenue	Signalized	310.2	F	235.2	F	323.6	F	244.4	F
Larch Avenue/Slover Avenue	Signalized	10.5	B	22.9	C	6.3	A	25.0	C
Linden Avenue/Santa Ana Avenue	AWSC	20.2	C	68.2	F	23.6	C	80.1	F
Cedar Avenue/Santa Ana Avenue	Signalized	101.0	F	264.1	F	135.9	F	358.7	F
Larch Avenue/Santa Ana Avenue	AWSC	12.5	B	21.4	C	12.5	B	25.8	D
Driveway 1/Cedar Avenue	--	--	--	--	--	17.5	C	19.6	C
Driveway 2/ Santa Ana Avenue	--	--	--	--	--	12.9	B	18.2	C
Jurupa Avenue/Linden Avenue	AWSC	14.0	B	23.5	C	14.5	C	26.0	D
Cedar Avenue/Jurupa Avenue	Signalized	38.3	D	65.3	E	39.3	D	73.8	E
Jurupa Avenue/Larch Avenue	AWSC	14.0	B	53.5	D	15.8	C	81.8	F
Cedar Avenue/ El Rivino Road	Signalized	26.8	C	57.0	D	27.5	C	58.8	E

Source: Appendix G

As shown in Table 26, the following intersections operate at a deficient LOS in the Horizon Year (2040) scenario with project trips:

The traffic study identified ten intersections performing below the County's acceptable Level for the Horizon Year (2040) with the project scenario. These intersections include:

- Cedar Avenue/I-10 Westbound Ramps
- Cedar Avenue/I-10 Eastbound Ramps
- Cedar Avenue/Orange Street
- Linden Avenue/Slover Avenue
- Cedar Avenue/Slover Avenue
- Linden Avenue/Santa Ana Avenue
- Cedar Avenue/Santa Ana Avenue
- Cedar Avenue/Jurupa Avenue
- Larch Avenue/Jurupa Avenue
- Cedar Avenue/El Rivino Road

Of these ten intersections, seven intersections met the County's thresholds of significance to require mitigation and improvement recommendations. This would be a potentially significant impact. These intersections include:

- Cedar Avenue/I-10 Eastbound Ramps
- Linden Avenue/Slover Avenue
- Cedar Avenue/Slover Avenue
- Cedar Avenue/Santa Ana Avenue
- Cedar Avenue/Jurupa Avenue
- Larch Avenue/Jurupa Avenue
- Cedar Avenue/El Rivino Road

### **Freeway Segments, Merging/Diverging, and Weaving**

As mentioned in the TIA prepared for this project, an acceptable level of service is LOE E or above for the I-10 interchanges and freeway segments. Segments below this LOS may require deficiency planning. Existing freeway segment bidirectional volumes from the 2018 AADT Volume Data published by Caltrans was used for the analysis. In order to forecast the volumes to 2020, a 3.67 percent per annum growth rate was applied to the volume data based off historical Caltrans data over the last five years. For ramp influence areas, vehicles entering and exiting a ramp are based on peak hour turning movement counts from the 2016 and 2017 AADT Ramp Data published by Caltrans. The percentage of trucks at study area freeway segments is reflective of the historic truck volume percentages from Caltrans sources. For the project study area, trucks consist of 10.21 percent of the total peak hour volume. The resulting trucks were converted to passenger car equivalents (PCE) using a 2.0 PCE.

I-10 Freeway Segment LOS for the AM and PM peak hours were analyzed in the TIA for existing, opening and horizon years, both without and with the project. The non-peak hour directional flow of traffic is eastbound for the PM peak hour and westbound for the AM peak hour. For these non-peak hour directions, the freeway segment is found to operate at a deficient LOS for the existing, opening, and opening plus project years. All analyzed freeway segments operate at a deficient level services for horizon years.

Merging and diverging on these segments for these peak directions were found to operate at a deficient LOS for the existing and opening year. For the opening year plus project, only the Eastbound On/Off ramps for the AM peak hour operates at a sufficient LOS. All analyzed freeway segments operate at a deficient level services for horizon years.

The analyzed weaving segment between the I-10 interchange with Cedar Avenue and Riverside Avenue operates at a deficient level of service for the existing, opening, opening plus project, and horizon year with and without the project. For the segments failing to operate at a sufficient



LOS, mitigation measures have been included to reduce impacts to less than significant (Minagar & Associates, Inc 2020).

### Mitigation Measures

#### TRA-1 Improvements at Impacted Intersections and Freeway Segments/Ramps

The following intersections segments shall be improved by the following:

- **Cedar Avenue/I-10 Eastbound Ramps:** Re-time the traffic signal timing splits
- **Linden Avenue/Slover Avenue:** Convert all-way stop controlled to a signalized intersection
- **Cedar Avenue/Slover Avenue:** Re-time the traffic signal timing splits
- **Cedar Avenue/Santa Ana Avenue:** Restripe eastbound and westbound geometrics to include one left-turn pocket and one shared thru-right lane
- **Cedar Avenue/Jurupa Avenue:** Re-time the traffic signal timing splits
- **Larch Avenue/Jurupa Avenue:** Restripe southbound geometries to include one left-turn pocket and one right-turn pocket
- **Cedar Avenue/El Rivino Road:** No direct mitigation is needed, as it is improved by mitigation of surround intersections

With the aforementioned improvements, the intersections would operate at an improved LOS as shown in Table 27.

**Table 27 Mitigated Level of Service (Horizon Year 2040)**

Intersection	Before Mitigation (without project)		After Mitigation (with project)		Before Mitigation (without Project)		After Mitigation (with project)	
	AM Peak Hour Delay (sec)	LOS	AM Peak Hour Delay (sec)	LOS	PM Peak Hour Delay (sec)	LOS	PM Peak Hour Delay (sec)	LOS
Cedar Avenue/I-10 Eastbound	79.5	E	46.5	D	38.1	D	51.5	D
Linden Avenue/ Slover Avenue	118.7	F	13.4	B	164.3	F	10.0	B
Cedar Avenue/ Slover Avenue	310.0	F	85.1	F	235.2	F	77.8	E
Cedar Avenue/ Santa Ana Avenue	101.0	F	33.4	C	264.1	F	85.7	F
Cedar Avenue/Jurupa Avenue	38.3		28.2	C	65.3	E	55.2	E
Larch Avenue/ Jurupa Avenue	14.0	B	14.1	B	53.5	F	44.6	E
Cedar Avenue/El Rivino	26.8	C	27.5	C	57.0	E	58.8	E
Source: Appendix G								

For impacted freeway segments, the project shall widen the segments to the east and west of the Cedar Avenue interchange by one additional lane in each direction. Due to the neighboring

railroad tracks to the south and water channel to the north, land use right-of-way would need to be assessed for the viability of the widening. To improve the merging and diverging segments of the freeway ramps, the number of lanes at the terminus of the on ramps and the beginning of the off ramps shall be increased. Right-of-way assessments would be required to ensure the construction of ramps as feasible.

In order to contribute to these improvements, the project would pay a fair share percentage determined for each intersection based on the County's requirements. These fair share percentages are shown in Table 28. As the Cedar Avenue/I-10 Eastbound Ramps are included in the SBCTA Rialto Sphere Nexus Study DIF program, the project's would be required to pay its fair share contribution for these intersections.

**Table 28 Project Fair Share Percentages**

Intersection/Scenario Year	AM Fair Share Percentage (%)	PM Fair Share Percentage (%)
Cedar Avenue/I-10 Eastbound Ramps	Pay Development Impact Fee	
Linden Avenue/Slover Avenue	1.5	3.2
Cedar Avenue/Slover Avenue	11.3	6.6
Cedar Avenue/Santa Ana	25	14.4
Cedar Avenue/Jurupa Avenue	9.4	4.1
Larch Avenue/Jurupa Avenue	11.9	6.7
Cedar Avenue/El Rivino	5.6	3.6
Source: Appendix G		

With implementation of Mitigation Measure MM TRA-1, the project would have a less than significant impact on the local traffic network.

#### **Less Than Significant Impact with Mitigation Incorporated**

- b) CEQA Guidelines Section 15064.3(b) identifies criteria for evaluating transportation impacts. Generally, VMT is the most appropriate measure of transportation impacts. VMT refers to the amount and distance of automobile travel attributable to a project. Specifically, the guidelines state that VMT exceeding an applicable threshold of significance may indicate a significant impact. Pursuant to Section 15064.3(c), the provisions of this section do not apply statewide until July 1, 2020, although a lead agency may elect to immediately apply the provisions of the updated guidelines.

The County has identified that vehicle LOS is still of value to the residents of San Bernardino County. The General Plan includes policies that address LOS and identify LOS standards for which County infrastructure strives to maintain. Therefore, County projects would also be required to complete a transportation impact study, in addition to VMT assessment, to demonstrate consistency with the General Plan. State CEQA Guidelines Section 15064.3 subdivision (b) has been included in the 2018 CEQA Guidelines as part of the implementation of SB 743 which requires local jurisdictions to use VMT instead of LOS methodologies for the purpose of determining the significance of traffic impacts under CEQA.

As the project is classified as an inter-regional serving "truck stop," which is not a final destination, there is not a pre-defined standard by Office of Planning and Research (OPR) for calculation VMT for this project. Additionally, pursuant to CEQA requirements of accounting for the full impact of VMT outcomes without truncation or discounting, it would not be feasible

to analyze the VMT of a truck stop, due to the high expected volume of inter-state trucks. Therefore, VMT analysis is irrelevant to the Traffic Impact Study completed for this project. San Bernardino County and other cities, which have approved VMT analysis also do not have standards set for the calculation of the VMT for truck stops and inter-city commuters and are also irrelevant to this study. Therefore, this project would not conflict with State CEQA Guidelines Section 15064.3, subdivision (b).

**No Impact.**

- c) The proposed project consists of 13,000 sf of commercial buildings with 143 parking spots, 6 ADA parking spots, and 44 truck parking spots. The project site would take access at one right-in-right-out driveway along Cedar Avenue and two right-in-left-out driveways along Santa Ana Avenue. Design of driveways, circulation areas, and parking stalls for the proposed project would be based on the County Development Code, including Chapter 83.05 – *Dedication and Installations of Street and Trail Improvements* and Chapter 83.11 – *Parking and Loading Standards*, which sets the standard for such design. It is not anticipated that traffic hazards would increase as a result of the project, as the completion to the public right-of-way would be to current standards. Additionally, similar and compatible uses in the vicinity include the commercial use located directly west of the project site across Cedar Avenue. Therefore, potential impacts associated with a substantial increase in hazards due to a design feature or incompatible use would be less than significant.

**Less Than Significant Impact**

- d) As described in Section IX.f, the proposed project would not result in adverse impacts to emergency access to the project site or within the surrounding area and specifications for the proposed improvements would be subject to County requirements, including Chapter 83.09 – *Infrastructure Improvement Standards*, and Chapter 83.12 – *Road System Design Standards* to ensure that adequate dimensions for emergency vehicles is met. The proposed access to the project site would be required to meet standards that allow emergency response vehicles, such as firetrucks, to service the entire development. Design of driveways, circulation areas, and parking stalls for the proposed project are based on the County Development Code, including Chapter 83.05 – *Dedication and Installations of Street and Trail Improvements* and Chapter 83.11 – *Parking and Loading Standards*, which sets the standard for such design. Additionally, there are two access points proposed for the project site, one located on Cedar Avenue and the other located on Santa Ana Avenue.

Site access for the project would be provided via Cedar Avenue and Santa Ana Avenue. As discussed under Section XVII.a, with mitigation/improvements incorporated on the seven specified intersection, the peak hour project trip generation would not degrade the LOS at any intersections in the vicinity of the project site that could impair emergency vehicle access. Project construction may require temporary changes to the on-site circulation network; however, construction would not require roadway closures that would impair emergency response or evacuation. Therefore, impacts would be less than significant.

**Less Than Significant Impact**

**Therefore, no significant adverse impacts are identified with implementation of Mitigation Measure MM TRA-1.**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XVIII. TRIBAL CULTURAL RESOURCES</b>				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

***San Bernardino County General Plan, 2007; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center; Submitted Project Materials; Appendix C – Cultural Resource Investigation in Support of the Bloomington Gas Station Project, Paleo West Archaeology, February 2020***

On July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted, expanding CEQA by defining a new resource category, “tribal cultural resources.” AB 52 states, “A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (PRC Section 21084.2). It further states the lead agency shall establish measures to avoid impacts altering the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and is:

1. Listed or eligible for listing in the CRHR or in a local register of historical resources as defined in PRC Section 5020.1(k), or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision

(c) of PRC Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified or adopted. Under AB 52, lead agencies are required to “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those having requested notice of projects proposed in the jurisdiction of the lead agency.

- a-b) Tribal consultation request letters were sent on February 11, 2020 to eight (8) tribes that have been identified as having ancestral territory in the Project area, or that have specifically requested notification of all projects in development in the County. Those tribes include the San Manuel Band of Mission Indians (SBMI), Morongo Band of Mission Indians, Gabrieleno Band of Mission Indians, San Gabriel Band of Mission Indians, Fort Mojave Indian Tribe, Colorado River Indian Tribe (CRIT), Soboba Band of Luiseno Indians, and Twenty-Nine Palms Band of Mission Indians.

Response letters/emails were received from two (2) of the tribes including SBMI, Gabrieleno-Kizh Nation. The Gabrieleno was the only tribe to request formal consultation. Consultation took place on July 7, 2020. Concerns for disturbance of culturally significant finds were elevated as the area has been identified as a heavily occupied by the tribe. However, it was discovered that the site contained several feet of fill material that was not native to the site. Depth of grading as well as the origin of the fill materials were raised as concerns. Consultation has been completed with the receipt of requested mitigation and monitoring measures included herein. Notification of a potential General Plan Amendment for the parcel was also sent to the Native American Heritage Commission (NAHC) as required by SB 18.

The SBMI did not request formal consultation but sent correspondence stating that the Project exists within Serrano ancestral territory and therefore, is of interest to the tribe. However, due to the disturbed nature of the location, they did not have any concerns with the project’s implementation as planned. As a result, SBMI requested that recommended mitigation and monitoring measures be made a part of the project/permit/plan conditions. Therefore, Mitigation Measures MM TCR-1, MM TCR-2 and MM TCR-3 have been incorporated into this initial study to reduce impacts to less than significant with mitigation incorporated.

### **Mitigation Measures**

#### **TCR-1 Unanticipated Discovery of Tribal Cultural and Archaeological Resources**

Upon discovery of any archaeological resources, construction activities shall be ceased in the immediate vicinity of the find until the find can be assessed. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed in CR-1, of any pre-contact cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject

to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site. Typically, tribes request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (State CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines Section 15064.5(f) for historical resources and PRC Section 21083.2(b) for unique archaeological resources.

Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project

### **TCR-2 Unanticipated Discovery of Human Remains and Associated Funerary Objects**

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

### **TCR-3 Treatment Measures**

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

Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment

placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

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

Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

With implementation of the above mitigation measures, impacts to tribal cultural resources would be less than significant.

#### **Less Than Significant Impact with Mitigation Incorporated**

**No significant adverse impacts are identified or anticipated and with implementation of Mitigation Measures MM TCR-1, MM TCR-2 and MM TCR-3.**

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>					
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

construction or relocation of which could cause significant environmental effects?

- |    |  |                          |                          |                                     |                          |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) | Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Result in a determination by the wastewater treatment provider 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) | Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**SUBSTANTIATION:**

***County of San Bernardino General Plan 2007; Submitted Project Materials***

- a) The proposed project would consist of new potable lateral extensions and sewer line extensions on site to serve the proposed project. New water and sewer extensions would be connected to the City's mainline under Santa Ana Avenue. As with water facilities, potable water and sewer line extensions on the project site would be installed during project construction. Bloomington water treatment facilities or distribution main line improvements would not be necessary to serve the project site.

Other utilities such as electrical power would be connected to existing infrastructure in the area, consistent with County and provider regulations. The project would involve an increase in electricity demand to serve the proposed project; however, this demand increase would not be a wasteful use of energy and would not require additional electricity substations or natural gas storage/transmission facilities.

The project would be required to comply with the applicable waste discharge prohibitions and water quality objectives established by the Santa Ana RWQCB. Treatment of wastewater generated by the project is anticipated to be routine and is not expected to exceed wastewater treatment requirements of the RWQCB. The project would also be required to satisfy the County and WVWD requirements related to the payment of fees and/or the provision of wastewater conveyance features, and installation and maintenance prior to the issuance of building permits.



Given the above considerations, utility infrastructure would not need to be relocated or constructed that would cause potentially significant environmental effects. Impacts would be less than significant.

**Less Than Significant Impact**

- b) The proposed project does not propose the use of local groundwater supplies or the construction of any groundwater wells. Water would be provided by the WVWD. The proposed project is consistent with the assumptions made in the San Bernardino Valley Regional Urban Water Management Plan (RUWMP), as the Project site is consistent with the existing land use and zoning designations that are used to calculate population projections. The RUWMP concludes that the WVWD has sufficient water supplies available to serve planned land uses within its service area through at least 2040 (RUWMP 2018). Therefore, impacts to water supplies would be less than significant.

**Less Than Significant Impact**

- c) The proposed project would consist of new potable lateral extensions and sewer line extensions on-site to serve the proposed project. New water and sewer extensions would be connected to the City's mainline under Santa Ana Avenue. As with water facilities, potable water and sewer line extensions would be installed during project construction. Table 29 summarizes the project share of available capacity for the treatment plant. As shown below, the project would generate less than one percent of available capacity. Impacts would be less than significant.

**Table 29 Wastewater Treatment Plant Capacity**

Pomona Water Reclamation Plant	
Average Daily Treatment <sup>1</sup>	7.3 MGD
Plant Capacity <sup>2</sup>	16 MGD
Available Capacity	8.7 MGD
Project Wastewater Generation <sup>3</sup>	0.0064 MGD
Percent of Available Capacity Used by Project	<0.1 percent

MGD = million gallons per day

<sup>1</sup> Based on average annual flow for Rialto Wastewater Treatment Plant (AECOM 2016).

<sup>2</sup> City of Rialto (2007). Plant Expansion Completed July 2020.

<sup>3</sup> Assumes total water demand is approximately equivalent to 120 percent of wastewater generation. Total water demand obtained from CalEEMod outputs (Appendix A).

**Less Than Significant Impact**

- d-e) Construction and operation of the project would generate solid waste. According to the County of San Bernardino Countywide Integrate Waste Management Plan, the County owned system of municipal solid waste landfills includes a total of five landfills, which have capacity for well in excess of 15 years as required under PRC Section 41701

(CIWMP 2018). Additionally, there are currently a total of 17 materials recovery facilities, eight transfer stations, and seven CDI debris processing facilities. The nearest landfill to the project site is the Mid-Valley Landfill, located approximately 6.2 miles northwest at 2390 Alder Avenue in Rialto. The Mid Valley Landfill has a permitted throughput of 7,500 ton per day and a maximum capacity of 101,300,000 cubic yards with an anticipated closure date of 2045 (CalRecycle 2020).

The handling of all debris and waste generated during construction of the project would be subject to 2016 CALGreen requirements and the California Integrated Waste Management Act of 1989 (AB 939) requirements for salvaging, recycling, and reuse of materials from construction activity on the project site. In accordance with 2016 CALGreen requirements, the project would be required to achieve a minimum of 65 percent diversion rate for construction waste. According to the CalEEMod results for the project (Appendix A), the project would generate approximately 0.14 tons per day, which is a fraction of a percent of the local landfill's daily throughput. Because the project would be served by landfills with sufficient capacity and would comply with applicable regulations related to solid waste, impacts would be less than significant.

### Less Than Significant Impact

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

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

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**SUBSTANTIATION:**

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**County of San Bernardino General Plan 2007; Submitted Project Materials**

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- a) The project would not be located in or near a CAL FIRE recommended very high fire hazard severity zone (VHFHSZ) or state responsibility area (CalFire 2020). As discussed in Section XVII, *Transportation*, the project would not impede access to emergency services. The project would be designed, constructed, and operated pursuant to applicable standards outlined in the latest California Fire Code, and specifications for the proposed improvements would be subject to County requirements, including Chapter 83.09 – Infrastructure Improvement Standards, and Chapter 83.12 – Road System Design Standards to ensure that adequate dimensions for emergency vehicles is met.

While project construction may require temporary truck and equipment access and parking on and around the project site, construction would not require lane or roadway closures that would temporarily impair emergency response or evacuation. Therefore, there would be no impact.

**No Impact**

- b) As discussed above, the project is not located in or near a designated VHFHSZ and would not be situated near steep slopes. The project would adhere to applicable standards outlined in the latest California Fire Code, and County regulations put forth out in their County Development Code. Therefore, the project would not exacerbate wildfire risks, and would not expose occupants to pollutant concentrations or the uncontrolled spread of wildfire. No impact would occur.

**No Impact**

- c) As discussed above, the project is not located in or near a designated VHFHSZ. As discussed in Section XIX, *Utilities and Service Systems*, the project would not result in significant environmental effects associated with the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. The project would require installation of standard water and sewer laterals or appurtenances to serve the proposed buildings and landscaping. New or relocated utilities and systems associated with the project would comply with state and local fire codes to reduce the risk of fires, and none of these potential infrastructure improvements would exacerbate fire risk on-site. No impact would occur.

**No Impact**

- d) As discussed above, the project is not located in or near a designated VHFHSZ. As discussed in Section VII, *Geology and Soils*, the project site is not located on an area of significant slopes. Additionally, the project site is not susceptible to landslides or downstream flooding. The project would be required to comply with the County's Development Code and the latest CBC requirements. In addition, the project would be required to implement all recommendations of the geotechnical report through the City's design review process. Implementation of the recommendations from the site-specific geotechnical analysis (Sladden Engineering 2019) in the design and construction of the project would reduce potential hazards from post-fire landslides or slope instability. This impact would be less than significant.

**Less Than Significant Impact**

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE:</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) While the project site generally does not contain suitable habitat for special status species, the possibility exists for construction activities to have direct or indirect impacts on such species which may temporarily occupy or traverse the project site. Furthermore, construction activities such as building demolition, vegetation removal, grading, or building construction, could result in direct impacts to special-status bat species or nesting migratory bird species. The Initial Study incorporates mitigation measures targeted at protecting biological resources. These measures include conducting presence/absence surveys for sensitive owl species prior to construction and pre-construction nesting bird surveys. Potential degradation of the quality of the environment would be reduced to below a level of significance through implementation of Mitigation Measures MM BIO-1 and MM BIO-2, as identified in Section IV, *Biological Resources*.

The project site is not located in a historic district and does not contain any historical resources. Although no archaeological resources were identified, there remains the potential to encounter unanticipated archaeological resources during ground-disturbing

activities associated with project construction. Implementation of Mitigation Measure MM CR-1 and MM CR-2, as identified in Section V, *Cultural Resources*, would reduce potential impacts to archaeological resources to a less-than-significant level by providing direction on how to properly address an unanticipated discovery of cultural and archaeological resources should one occur during construction. As discussed in Section XVIII, *Tribal Cultural Resources*, the project site could potentially contain unanticipated tribal cultural resources. Mitigation Measures MM TCR-1, MM TCR-2 and MM TCR-3 would reduce impacts to tribal cultural resources to a less than significant level. This impact would be less than significant with mitigation incorporated.

#### **Less Than Significant Impact with Mitigation Incorporated**

- b) As described in the discussion of environmental checklist Sections I through XX, the project would have no impact, a less than significant impact, or a less than significant impact with mitigation incorporated with respect to all environmental issue areas. As noted in Section III, *Air Quality*, the project would not result in a cumulatively considerable net increase of criteria pollutants, as project construction and operation would remain below SCAQMD daily thresholds. Impacts related to GHG emissions are cumulative in nature and, as discussed in Section VIII, *Greenhouse Gas Emissions*, the project would result in a less than significant impact with the implementation of Mitigation Measure MM GHG-1. As discussed in Section XVII, *Transportation*, the project would contribute to potentially significant traffic impacts at certain intersections and Mitigation Measure MM TRA-1 would bring these traffic impacts to below a significant level.

Resource issue areas that were determined to have no impact would not have potential to be cumulatively considerable, and the project would not contribute to cumulative impacts related to these issues.

Resource issue areas that are project-specific by nature, such as geology and hazards, would not have substantial contributions to the cumulative scenario, as impacts at one location do not add to impacts at other locations or create additive impacts. Furthermore, future projects in the vicinity of the project site would be required to undergo the appropriate level of environmental review and mitigate potential impacts, as necessary. This impact would be less than significant with mitigation incorporated.

#### **Less Than Significant Impact with Mitigation Incorporated**

- c) In general, impacts to human beings are associated with air quality, hazards and hazardous materials, and noise impacts. As discussed in Section III, *Air Quality*, the project would result in less than significant impacts related to emissions of criteria pollutants, toxic air contaminants, or odors. As detailed in Section IX, *Hazards and Hazardous Materials*, the project would not result, either directly or indirectly, in significant adverse impacts related to hazardous materials. Commercial land uses, as proposed under the project, are not associated with substantial emissions of hazardous materials, and impacts related to other hazards, including wildfire or proximity to Flabob Airport, would be less than significant. As discussed in Section XIII, *Noise*, impacts would be less than significant. In addition, compliance with applicable rules and regulations and mitigation measures contained in this document would reduce potential impacts on human beings. Therefore, impacts would be less than significant.

#### **Less Than Significant Impact**

All 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 would be required to meet the conditions of approval. It is anticipated that all such conditions of approval will further ensure that no potential for adverse impacts would occur.

**Therefore, no significant adverse impacts are identified or anticipated and with implementation of Mitigation Measures MM BIO-1, MM BIO-2, MM CR-1 and MM CR-2, MM GHG-1, MM GEO-1, MM TRA-1 MM TCR-1, MM TCR-2 and MM TCR-3.**

## **GENERAL REFERENCES**

- Agenbroad, L.D. 2003. New localities, chronology, and comparisons for the pygmy mammoth (*Mammuthus exilis*). In J. Reumer (ed.) *Advances in Mammoth Research, Proceedings of the 2nd International Mammoth Conference*, Rotterdam, the Netherlands. DEINSEA 9, p. 1-16.
- American Cancer Society (ACS). 2018. *Cancer Facts & Figures 2018*.  
<https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/annual-cancer-facts-and-figures/2018/cancer-facts-and-figures-2018.pdf>.
- California Air Resources Board (CARB). 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. <https://ww3.arb.ca.gov/ch/handbook.pdf>
- \_\_\_\_\_. 2013. *Mobile Source Emission Inventory – EMFAC2011 Frequently Asked Questions*. January. Available at: <https://www.arb.ca.gov/msei/emfac2011-faq.htm>
- \_\_\_\_\_. 2015. *CA-Greet 2.0*. September 29, 2015 <https://www.arb.ca.gov/fuels/lcfs/ca-greet/ca-greet.htm>. Accessed September 2018.
- \_\_\_\_\_. 2016. *Ambient Air Quality Standards*. Last modified: May 4, 2016.  
<http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>
- \_\_\_\_\_. 2017a. *2017 Amendments Health Risk Analysis*.
- \_\_\_\_\_. 2017b. *2017 Climate Change Scoping Plan*. November.
- \_\_\_\_\_. 2019a. *iADAM Air Quality Data Statistics Top 4 Summary*.  
<https://www.arb.ca.gov/adam/topfour/topfour1.php> California Air Resources Board (CARB). 2017. *2017 Amendments Health Risk Analysis*.
- \_\_\_\_\_. 2019b. *Overview: Diesel Exhaust and Health*.  
<https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>
- California Department of Fish and Wildlife (CDFW). 2019. *California Department of Fish and Game Natural Diversity Database – Electronic Format*. Available at:  
<https://www.wildlife.ca.gov/Data/CNDDDB>
- California Department of Forestry and Fire Protection (CalFire). 2020. *California Fire Hazard Severity Zone Viewer*. Available at:  
<https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414>
- California Department of Industrial Relations. 2019. *Cal/OSHA*. Available at:  
<https://www.dir.ca.gov/dosh/>
- California Department of Resources Recycling and Recovery (CalRecycle). 2020. *Mid-Valley Sanitary Landfill SWIS Facility Detail*. Available at:  
<https://www2.calrecycle.ca.gov/SWFacilities/Directory/36-AA-0055/Detail>
- California Department of Toxic Substances Control (DTSC). *EnviroStor*. Available at:  
<https://www.envirostor.dtsc.ca.gov/public/>
- California Department of Transportation (Caltrans). 2013. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. (CT-HWANP-RT-13-069.25.2) September. Available at:  
[http://www.dot.ca.gov/hq/env/noise/pub/TeNS\\_Sept\\_2013B.pdf](http://www.dot.ca.gov/hq/env/noise/pub/TeNS_Sept_2013B.pdf)

- \_\_\_\_\_. 2020. Transportation and Construction Vibration Guidance Manual. Available at:  
<https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf>
- California Energy Commission (CEC). 2017a. Electricity Consumption by Entity. Available at:  
<http://ecdms.energy.ca.gov/elecbyutil.aspx>.
- \_\_\_\_\_. 2017b. Gas Consumption by Entity. <http://ecdms.energy.ca.gov/gasbyutil.aspx>.
- California Energy Commission. 2018a. 2019 Building Energy Efficiency Standards. March. Available at:  
[https://www.energy.ca.gov/title24/2019standards/documents/2018\\_Title\\_24\\_2019\\_Building\\_Standards\\_FAQ.pdf](https://www.energy.ca.gov/title24/2019standards/documents/2018_Title_24_2019_Building_Standards_FAQ.pdf)
- \_\_\_\_\_. 2018b. News Release: Energy Commission Adopts Standards Requiring Solar Systems for New Homes, First in Nation. [http://www.energy.ca.gov/releases/2018\\_releases/2018-05-09\\_building\\_standards\\_adopted\\_nr.html](http://www.energy.ca.gov/releases/2018_releases/2018-05-09_building_standards_adopted_nr.html)
- \_\_\_\_\_. 2018c. Total System Electric Generation. Available at:  
[https://www.energy.ca.gov/almanac/electricity\\_data/total\\_system\\_power.html](https://www.energy.ca.gov/almanac/electricity_data/total_system_power.html).
- \_\_\_\_\_. 2018d. Revised Transportation Energy Demand Forecast 2018-2030. Available at:  
<https://efiling.energy.ca.gov/getdocument.aspx?tn=221893>.
- \_\_\_\_\_. 2019. California Retail Fuel Outlet Annual Reporting (CEC-A15) Results. Available at:  
[https://ww2.energy.ca.gov/almanac/transportation\\_data/gasoline/piira\\_retail\\_survey.html](https://ww2.energy.ca.gov/almanac/transportation_data/gasoline/piira_retail_survey.html)
- California Native Plant Society (CNPS), Rare Plant Program. 2019. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Available at:  
<http://www.rareplants.cnps.org>
- California Geological Survey (CGS). 2002. California Geomorphic Provinces, Note 36.
- City of Bloomington. 2007. Bloomington Community Plan.  
<http://www.sbcounty.gov/Uploads/lus/CommunityPlans/BloomingtonCP.pdf>
- Colton Joint Unified School District (CJUSD). 2020. District School Map.  
<https://www.colton.k12.ca.us/domain/40>
- County of San Bernardino. 2007. Geologic Hazard Overlays.  
<http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/FH29C.pdf>
- \_\_\_\_\_. 2007. 2006 General Plan Program Final Environmental Impact Report and Appendices.  
<http://www.sbcounty.gov/Uploads/lus/GeneralPlan/FinalEIR2007.pdf>
- \_\_\_\_\_. 2010. San Bernardino County General Plan Hazard Map Overlay.  
[http://www.sbcounty.gov/uploads/lus/hazmaps/fh29b\\_20100309.pdf](http://www.sbcounty.gov/uploads/lus/hazmaps/fh29b_20100309.pdf)
- \_\_\_\_\_. 2012. Biotic Resources Overlay Map. Available at:  
[http://www.sbcounty.gov/Uploads/lus/BioMaps/cnty\\_all\\_biotic\\_resources\\_map\\_final.pdf](http://www.sbcounty.gov/Uploads/lus/BioMaps/cnty_all_biotic_resources_map_final.pdf)
- \_\_\_\_\_. 2017a. County of San Bernardino General Plan Renewable Energy and Conservation Element. Available at:  
<http://www.sbcounty.gov/uploads/LUS/Renewable/RECElementFINALADOPTEDVersion8817WEB.pdf>
- \_\_\_\_\_. 2020. Earthquake Zones of Required Investigation.  
<https://maps.conservation.ca.gov/cgs/EQZApp/app/>



- \_\_\_\_\_. 2017b. Valley Region Groundwater Basins Prioritization.  
[http://www.sbcounty.gov/uploads/LAFCO//Downloads/Service\\_Review/GBP\\_Map.pdf](http://www.sbcounty.gov/uploads/LAFCO//Downloads/Service_Review/GBP_Map.pdf)
- \_\_\_\_\_. 2018. San Bernardino Valley Countywide Integrated Waste Management Plan (CIWMP).  
<http://cms.sbcounty.gov/Portals/50/solidwaste/SWAT/Engineering/SB-County-Final-Draft-Summary-Plan-SP-for-SWAT-07-2018r.pdf?ver=2018-07-10-135812-593>
- \_\_\_\_\_. 2019. San Bernardino County Community Plan EIR; Mineral Resources.  
[http://countywideplan.com/wp-content/uploads/2019/06/Ch\\_05-11-MIN.pdf](http://countywideplan.com/wp-content/uploads/2019/06/Ch_05-11-MIN.pdf)
- \_\_\_\_\_. 2020. San Bernardino County, California Code of ordinances, January 28, 2020
- Department of Conservation. 2020. Farmland Monitoring and Mapping Program.  
<https://www.conservation.ca.gov/dlrp/fmmp/Pages/SanBernardino.aspx>
- Federal Emergency Management Agency (FEMA). 2020. FEMA Flood Map Service Center.  
<https://msc.fema.gov/portal/search?AddressQuery=bloomington%20ca#searchresultsanchor>
- Federal Highway Administration (FHWA). 2006. FHWA Highway Construction Noise Handbook. (FHWAHEP-06-015; DOT-VNTSC-FHWA-06-02). Available at:  
[http://www.fhwa.dot.gov/environment/construction\\_noise/handbook](http://www.fhwa.dot.gov/environment/construction_noise/handbook).
- Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment. November. Available at: [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123\\_0.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf)
- Fontana, City of. 2020. Organizational Chart. <https://www.fontana.org/112/Police-Department>
- Jefferson, G.T. 2010. A catalogue of late Quaternary vertebrates from California. Natural History Museum of Los Angeles County Technical Report 7, p. 5-172.
- Lawrence E. Kinsler and R. Frey, Austin and B. Coppins, Alan and V. Sanders, James. Fundamentals of Acoustics, 4th Edition. ISBN 0-471-84789-5. Wiley-VCH, December 1999.
- Malcolm J. Crocker (Editor). 2007. Handbook of Noise and Vibration Control Book, ISBN: 978-0-471-39599-7, Wiley-VCH, October.
- Merriam, J.C. 1911. The Fauna of Rancho La Brea; Part I: Occurrence. Memoirs of the University of California, v. 1, no. 2, p. 197-213.
- Morton, D.M., and Miller, F.K., 2006, Geologic map of the San Bernardino and Santa Ana 30' x 60' quadrangles, California: U.S. Geological Survey, Open-File Report OF-2006-1217, scale 1:100,000.
- Norris, R. M. and Webb, R. W. 1990. Geology of California. John Wiley and Sons, Inc. New York.
- Office of Health Hazard Assessment (OEHHA). 2015. Guidance Manual for Preparation of Health Risk Assessments.  
<https://oehha.ca.gov/media/downloads/cnr/2015guidancemanual.pdf>
- \_\_\_\_\_. 2019. Consolidated Table of OEHHA/ARB Approved Risk Assessment Health Values. Last updated: September 19, 2019. <https://ww3.arb.ca.gov/toxics/healthval/contable.pdf>.
- Paleobiology Database. 2020. Online fossil locality database. Available online:  
<https://www.paleobiodb.org/#/>.

Paleo West Archaeology. 2020. Cultural Resource Investigation in Support of the Bloomington Gas Station Project.

Placeworks, Draft Environmental Impact Report San Bernardino Countywide Plan, June 2019.

Rincon Consultants, Inc. 2020. Air Quality and Greenhouse Gas Emissions Study.

Riverside County Airport Land Use Commission. 2004. Riverside County Airport Land Use Compatibility Plan. Available at: <http://www.rcaluc.org/Plans/New-Compatibility-Plan>

Savage, D.E., T. Downs, and O.J. Poe. 1954. Cenozoic land life of southern California in R.H. Jahns ed., *Geology of Southern California*. California Division of Mines and Geology, 170, Ch. III, p. 43-58.

Society of Vertebrate Paleontology. 2010. Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources. Society of Vertebrate Paleontology Impact Mitigation Guidelines Revision Committee.

South Coast Air Quality Management District (SCAQMD). 1993. CEQA Air Quality Handbook. April 1993.

\_\_\_\_\_. 2008. Final Localized Significance Threshold Methodology. July 2008. Available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf>

\_\_\_\_\_. 2009. Appendix C – Mass Rate LST Look-up Tables. Last modified: October 21, 2009. Available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/appendix-c-mass-rate-lst-look-up-tables.pdf?sfvrsn=2>

\_\_\_\_\_. 2015. SCAQMD Air Quality Significance Thresholds. Last modified: March 2015. Available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>

\_\_\_\_\_. 2017. Final 2016 Air Quality Management Plan (AQMP). March 3, 2017.

\_\_\_\_\_. 2019. Regulations. Available at <http://www.aqmd.gov/home/rules-compliance/regulations>.

State Water Resources Control Board (SWRCB). 2015. GeoTracker. Available at: <https://geotracker.waterboards.ca.gov/>

U.S. Department of Agriculture (USDA), Natural Resources Conservation Service. 2019. Natural Resources Conservation Service Web Soil Survey – Electronic Format. Available at: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

U.S. Environmental Protection Agency (USEPA). 2004. Air Quality Criteria for Particulate Matter, October 2004. Available at: [file:///C:/Users/egreen/Downloads/VOL\\_I\\_FINAL\\_PM\\_AQCD\\_OCT2004.PDF](file:///C:/Users/egreen/Downloads/VOL_I_FINAL_PM_AQCD_OCT2004.PDF)

\_\_\_\_\_. 2005. Guidelines for Carcinogen Risk Assessment. March 2005. EPA/630/P-03/001F. [https://www.epa.gov/sites/production/files/2013-09/documents/cancer\\_guidelines\\_final\\_3-25-05.pdf](https://www.epa.gov/sites/production/files/2013-09/documents/cancer_guidelines_final_3-25-05.pdf)

\_\_\_\_\_. 2009. Integrated science assessment for particulate matter. EPA/600/R-08/139F. Research Triangle Park, NC. <https://cfpub.epa.gov/ncea/risk/recorddisplay.cfm?deid=216546>.

\_\_\_\_\_. 2018. Health Effects of Ozone Pollution. Available at: <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution>.

- \_\_\_\_\_. 2019. Superfund Enterprise Management System (SEMS). Available at:  
<https://www.epa.gov/enviro/sems-search>
- U.S. Geological Survey (USGS). 2020. Natural Aggregates and Statistics.  
<https://www.usgs.gov/centers/nmic/natural-aggregates-statistics-and-information>
- University of California Museum of Paleontology (UCMP) Online Database. 2020. UCMP specimen search portal, <http://ucmpdb.berkeley.edu/>.
- U.S. Fish and Wildlife Service (USFWS). 2019. Endangered Species Database. Available at:  
<https://www.fws.gov/endangered>

## **PROJECT-SPECIFIC REFERENCES**

- Appendix A – Bloomington Commercial Center Project Air Quality and Greenhouse Gas Emissions, Rincon Consultants, Inc., September 2020
- Appendix B – Bloomington Gas Station Project Biotic Resources Report, Rocks Biological Consulting, January 2020
- Appendix C – Cultural Resource Investigation in Support of the Bloomington Gas Station Project, Paleo West Archaeology, February 2020
- Appendix D – Geotechnical Investigation for the Proposed Mixed-Use Development at Cedar Avenue & Santa Ana Avenue, Sladden Engineering, September 2019
- Appendix E – Hydrology Study for TMP 20192, Black Gold Engineering, March 2020
- Appendix F – Bloomington Commercial Center Project Noise and Vibration Study, Rincon Consultants, Inc., September 2020
- Appendix G – Final Traffic Impact Study for the Bloomington Commercial Center, Minagar & Associates, Inc. June 2020

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

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

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**PROPOSAL NO.: LAFCO SC#484**

**HEARING DATE: MAY 18, 2022**

## **RESOLUTION NO. 3349**

### **A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#484 – CITY OF RIALTO EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT (CHANDI ENTERPRISES, LLC)**

**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 May 18, 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. 3349

### **DETERMINATIONS:**

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

1. The project area, Assessor Parcel Number 0257-101-01, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future.

Water service will be provided by the West Valley Water District.

The application requests authorization to receive wastewater service from the City of Rialto. 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 wastewater service is necessary in order to satisfy this condition of approval.

2. The City of Rialto's Extraterritorial Agreement between the City of Rialto and Chandi Enterprises, LLC being considered is for the provision of wastewater service to Assessor Parcel Number 0257-101-01. 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/developer and the City of Rialto to proceed in finalizing the contract for the extension of wastewater service.
3. The fees charged by the City of Rialto for the extension of wastewater service to the parcel are identified as totaling \$57,595.87 (a breakdown of charges is on file in the LAFCO office).
4. Acting as the CEQA Lead Agency, the County of San Bernardino, as a function of its review for a Conditional Use Permit, Tentative Parcel Map, and Zone Amendment to establish a Commercial/Retail Center on approximately 8.9 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. Subsequently, an Addendum was prepared to clarify certain issues in the original Initial Study and Mitigated Negative Declaration. The County's Initial Study and Mitigated Negative Declaration, including the Addendum, have been reviewed by the Commission, its staff, and its 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/Addendum 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/Addendum is adequate for its use in making a decision as a CEQA Responsible Agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for this project as all changes, alterations and mitigation measures are within the responsibility and jurisdiction of the County and/or others, and are self-mitigating through implementation of the Conditions of Approval.

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

## RESOLUTION NO. 3349

**SECTION 2. CONDITION.** The City of Rialto 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 Rialto to provide wastewater service to Assessor Parcel Number 0257-101-01.

**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#484 – City of Rialto Extraterritorial Wastewater Service Agreement (Chandi Enterprises, LLC), 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 May 18, 2022.**

**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 11, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #12 – REVIEW AND ADOPTION OF SCHEDULE OF FEES,  
DEPOSITS, AND CHARGES EFFECTIVE JULY 1, 2022

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## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions:

1. For Environmental review:
  - a. Make the findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines as follows:
    - i. Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service; and,
    - ii. The rates and charges identified in the Schedule are for the purpose of:  
(1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.
  - b. Certify that the proposed revisions to the Schedule of Fees, Deposits, and Charges are statutorily exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Adopt the Schedule of Fees, Deposits, and Charges, as revised, to be effective July 1, 2022.
3. Adopt LAFCO Resolution No. 3350 reflecting the Commission's determinations related to the Schedule.

**BACKGROUND:**

At the March 16 hearing, LAFCO staff presented the Commission with its recommended changes to the existing Schedule of Fees, Deposits and Charges ("Schedule"), and the Commission adopted the proposed Schedule (Attachment #1). On April 14, a copy of the proposed Schedule was forwarded to the County, the cities/towns, and the independent special districts for review and comment with a response requested by May 11. As of the date of this report, no comments have been received. However, if staff receives comments prior to the hearing they will be provided to the Commission along with staff's response at the hearing.

**ENVIRONMENTAL REVIEW:**

As for environmental review, the California Environmental Quality Act (CEQA) and the State CEQA Guidelines provide a statutory exemption for the review and modification of fee and rate schedules. Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines require that the Commission make findings regarding such an exemption indicating specifically the basis for the claim of exemption. Staff recommends that the Commission make the findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines as follows:

- a) Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service; and,
- b) The rates and charges identified in the Schedule are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.

Staff recommends that the Commission determine this action is statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline section cited above. The Commission is required to file a Notice of Exemption with the Clerk to the Board within five working days of its action to approve the Schedule modifications. The environmental determination is included as Attachment #2.

**CONCLUSION:**

Staff recommends that the Commission adopt the revised Schedule, as presented, with an effective date of July 1, 2022, by taking the recommended actions outlined on page 1.

Attachments:

- 1. [Revised Schedule of Fees, Deposits, and Charges](#)
- 2. [Environmental Determination](#)
- 3. [Draft Resolution No. 3350](#)



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

## **SCHEDULE OF FEES, DEPOSITS, AND CHARGES EFFECTIVE JULY 1, 2022**

The submission of an application to the Local Agency Formation Commission ("LAFCO") is not officially accepted for processing until the filing fees and deposits have been received (Gov't. Code §56383). Filing Fees are for the Commission's and staff's costs. Deposits are for the recovery of outside costs for such items as LAFCO Legal Counsel, environmental review, individual notification, and protest proceedings, etc. In addition, certain fees and charges are required at the conclusion of the application process and must be received prior to its official completion.

### **Financial Policies for Application Processing**

Refer to Attachment A for the Commission's policies related to waivers and reductions of processing fees, filing fee refund if an application is withdrawn, indemnification, and responsibility for payment of special legal counsel costs. The Indemnification Policy is identified below.

#### Indemnification Policy

It is the policy of this Commission that for any application submitted for a change of organization or reorganization, a sphere of influence amendment, or a review of an out-of-agency service contract/agreement, the applicant and/or the real party in interest shall agree to defend, indemnify, and hold harmless San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them. A real party in interest includes the landowner and/or a registered voter of an application subject property.

### **Annual Review and Adjustment**

The Fees are adjusted annually to increase with the Consumer Price Index, not to exceed five percent. Deposits and Charges relate to outside professional services and supplies and are evaluated annually.

### **Table of Contents**

<u>Section 1.</u>	Proposals – Application Submission and Processing
<u>Section 2.</u>	Proposals – Completion Fees and Charges
<u>Section 3.</u>	Out-of-Agency Service Contracts
<u>Section 4.</u>	Reproduction Charges
<u>Attachment A.</u>	Financial Policies for Application Processing

## Section 1. Proposals - Application Submission and Processing

### FEE AND DEPOSITS SUMMARY

Type of Proposal	Fee	Deposits*	Total
Annexation, Detachment, Reorganization involving solely annexations and/or detachments	See Annexation/ Detachment Chart	\$4,000	
<p><i>The fees identified in Chart 1 shall be assessed for each area of consideration within the proposal. A single area means any separate geographical area requiring a legal description. A "single area" does not include two areas that are contiguous only at a point, or two or more areas that are contiguous to an existing boundary of a city or district but not to each other.</i></p> <p><i>See Attachment A for automatic waivers or reductions in the Fee regarding: correcting boundary alignment problem; annexation/detachment with concurrent sphere of influence amendment; city island annexations under §56375.3; readjustments of agency boundaries due to roadway realignment.</i></p>			

### Annexation/Detachment Chart

Valley and Mountain Region				
	<b>Under 20 acres</b>	<b>20 – 150 acres</b>	<b>151 – 300 acres</b>	<b>Over 300 acres</b>
City	\$ 6,674	\$ 8,899	\$ 11,124	\$ 11,124 plus \$1 per acre over 300 acres
District	\$ 5,562	\$ 7,231	\$ 8,899	\$ 8,899 plus \$1 per acre over 300 acres
Desert Region (North and South Desert)				
	<b>Under 100 acres</b>	<b>100-640 acres</b>	<b>641-1,920 acres</b>	<b>Over 1,920 acres</b>
City	\$ 6,674	\$ 8,899	\$ 11,124	\$ 11,124 plus \$1 per acre over 1,920 acres
District	\$ 5,562	\$ 7,231	\$ 8,899	\$ 8,899 plus \$1 per acre over 1,920 acres

Sphere of Influence Amendment	\$ 5,562	\$4,000	\$ 9,562
District: Dissolution, Merger, or Establishment of Subsidiary District(s)	\$ 5,562	\$4,000	\$ 9,562
District: Formation or Consolidation	\$ 16,686	\$4,000	\$ 20,686
District: Activation/Divestiture of Functions and/or Services	\$ 8,343 each function/service	\$4,000	\$ 12,343
City: Consolidation	\$ 22,248	\$4,000	\$ 26,248
City: Incorporation or Disincorporation	\$ 22,248	\$54,000	\$ 26,248
Reorganization <i>For a reorganization that involves changes other than annexations and detachments, the fee will be based upon the components of the reorganization.</i>	Sum of Components	\$4,000	

San Bernardino LAFCO  
Schedule of Fess, Deposits, and Charges  
July 1, 2022

**\*DEPOSITS BREAKDOWN**

Applicants shall be required to reimburse the Commission for all charges and costs in excess of the deposits outlined below. Reimbursement to LAFCO shall be required prior to issuance of the Commission's Certificate of Completion for jurisdictional changes or issuance of the Commission's resolution for sphere of influence amendments/updates. If charges billed to LAFCO are less than the amount of deposit, the balance will be refunded to the applicant or applied to other categories where excess charges have been incurred.

<b>Legal Counsel (\$250 non-refundable, \$1,750 deposit)</b>	<b>\$2,000</b>
<p><i>It is the policy of this Commission that the costs for Special Counsel due to a representation conflict shall be the responsibility of the applicant. Additionally, as a condition of approval of any action taken by LAFCO, the proponents shall be required to defend, indemnify and hold harmless LAFCO or its agents, officers, and employees from any claim, action, or proceeding against LAFCO or its agents, officers, and employees to attack, set aside, void, or annul the approval of LAFCO concerning the proposal or any action relating to, or arising out of, such approval when such action is brought within the applicable statute of limitations. Refer to <u>Policy and Procedure Manual, Section II, Chapter 2</u>.</i></p>	
<b>Individual Notice (\$250 non-refundable, \$750 deposit)</b>	<b>\$1,000</b>
<p>(1) Individual Mailed Notice or (2) Publication of Display Ad in lieu of Individual Notice</p> <p><i>In cases where the noticing would involve mailing more than 1,000 notices, the Commission may waive the individual notice requirement and direct its staff to publish a 1/8th page display ad in a newspaper of general circulation within the area. Refer to <u>Policy and Procedure Manual, Section IV, Chapter 1, Policy 9</u>.</i></p> <p><i>By policy, individual notice to landowners and registered voters shall not be waived for city island annexations filed pursuant to Government Code Section 56375.3, even if it includes more than 1,000 notices.</i></p>	
<p><b>Proposals Extending an Existing Special Tax</b></p> <p><i>Should a proposal require individual notice due to the extension of an existing special tax, the proponent will be required to submit a deposit for the direct costs such as: (1) the County Assessor to compile the mailing list, (2) outside printing to produce the printed notices, (3) and County Mail for shipping and handling. Please contact the LAFCO office for the estimated deposit cost.</i></p>	<p><b>Actual Cost</b></p>
<b>Environmental Review (\$250 non-refundable, \$750 deposit)</b>	<b>\$1,000</b>
<p><i>All applicants shall be required to pay the full costs of the Commission's Environmental Consultant's review regardless whether the Commission is the lead or responsible agency as defined under CEQA.</i></p>	
Preparation of Negative Declaration/Mitigated Negative Declaration	Additional \$15,000
Preparation of an Environmental Impact Report (EIR)	Additional \$25,000
<p>If the proposal requires that LAFCO prepare a Negative Declaration/Mitigated Negative Declaration or EIR as CEQA lead agency, the CA Dept. of Fish and Wildlife (DFW) CEQA Environmental Document Filing Fees are required to be paid at the time LAFCO files the Notice of Determination with the Clerk of the Board of the affected County. The applicant will be notified of the appropriate fees, which must be received by LAFCO prior to the Commission hearing. Contact the LAFCO office for the current DFW filing fees.</p>	

San Bernardino LAFCO  
Schedule of Fess, Deposits, and Charges  
July 1, 2022

<b>Protest Proceeding, if applicable (\$250 non-refundable, \$1,250 deposit)</b>	<b>\$1,500</b>
<i>Deposit required within 30 days of Commission approval of action. The Protest Hearing will not be set until deposit has been paid. Applicants shall be required to reimburse the Commission for any protest proceeding costs in excess of the deposit. Reimbursement to LAFCO shall be required prior to issuance of the Certificate of Completion. If charges billed to LAFCO are less than the amount of the deposit, the balance of the fee will be refunded to the applicant or applied to other categories where excess charges have been incurred.</i>	
<b>Proposals Extending an Existing Special Tax</b> <i>Should a proposal require individual notice due to the extension of an existing special tax, the proponent will be required to submit a deposit for the direct costs such as: (1) the County Assessor to compile the mailing list, (2) outside printing to produce the printed notices, (3) and County Mail for shipping and handling. Please contact the LAFCO office for the estimated deposit cost.</i>	<b>Actual Cost</b>

**ADDITIONAL FEES AND DEPOSITS**

<b>Comprehensive Fiscal Analysis for Incorporation or Disincorporation, Deposit</b>	<b>\$50,000</b>
<i>A \$50,000 deposit is required at the time the application is submitted. Applicants shall be required to reimburse the Commission for all costs associated with the preparation of the Comprehensive Fiscal Analysis in excess of the deposit prior to the scheduling of the Commission hearing. If the charges billed to LAFCO for the preparation of the required document are less than the amount of the deposit, the balance will be refunded to the applicant or applied to other categories where excess charges have been incurred.</i>	
<b>State Controller's Fiscal Review for Incorporations, Deposit</b>	<b>\$25,000</b>
<i>A \$25,000 deposit is required at the time a Request for State Controller Review is submitted. All costs in excess of this amount will be the responsibility of the Requestor for payment. Any balance remaining after payments are made to the State will be refunded to the Requestor of Review.</i>	
<b>Verification of Petition Signatures by Registrar of Voters Office, Deposit</b>	<b>\$200</b>
<i>A \$200 deposit from the applicants is required at the time of petition submission. This amount will be refunded upon certification of the petition and determination of billable charges. The charges assessed by the Registrar of Voters Office to verify petition signatures shall be payable by the affected entity in the same manner as the verification of initiative petition signatures is billed.</i>	
<b>Request for Reconsideration of LAFCO Decision or Environmental Determination, Fee</b>	<b>\$2,500</b>
<i>Should a reconsideration request require individual notice due to the extension of a special tax, then the proponent will be required to submit a deposit for the direct costs to produce and mail the individual notices.</i>	
<b>Workshop Request, Deposit</b>	<b>\$1,000</b>
<i>Proponents of actions pending Commission review may request that a Commission workshop be held in their area. If the Commission agrees to conduct such a workshop session, the Commission may require reimbursement of all costs associated with that session by the proponents, subject to a deposit.</i>	
<b>Request for Extension of Time to Complete Change of Organization Proceedings (Gov't. Code Section 57001)</b>	<b>\$1,100</b>

## **Section 2.**

### **Proposals - Completion Fees and Charges**

Following Commission approval of an action, the following fees or charges may be required. LAFCO staff will notify the applicant at the time the Commission's resolution is forwarded which of the following fees or charges is applicable to the proposal:

- A. County Geographic Information Management System (GIMS) Processing, required prior to issuance of the Certificate of Completion for jurisdictional changes or issuance of the Commission's resolution for sphere of influence amendments/updates:

1. Changes requiring an update to current sphere or boundaries of participating agencies  
(Fees identified below will be assessed for each area of consideration. The definition of area is provided under Processing Fees on Page 2.)

<u>Acreage</u>	<u>Primary Charge</u>	<u>Additional Agency</u>
0.00 to 100 acres	\$400	\$ 85
101.00 to 640.99 acres	\$550	\$110
641.00 to 2,560.99 acres	\$825	\$150
over 2,560.00 acres	\$1,100	\$175

2. Incorporation, Formation, or placement of a new agency boundary or sphere into the LAFCO-maintained GIMS system \$3,000

(The fees for incorporations or formations can be deferred until the new City/Town or District receives its first revenues. A request for deferral shall be made to the Executive Officer.)

- B. At the time the Certificate of Completion is forwarded to the State Board of Equalization (SBE), application types listed under Item A - Processing Fees Subsections 1 through 7 (except for Spheres of Influence), are charged a processing fee pursuant to SBE's adopted Fee Schedule (Government Code Section 54902.5). The fees listed below, as identified by SBE, are current as of January 1, 2011. LAFCO staff will notify the applicant of the appropriate fees:

Single Area Charges:	
Less than 1 acre	\$300
1.00 – 5.99 acres	\$350
6.00 – 10.99 acres	\$500
11.00 – 20.99 acres	\$800
21.00 – 50.99 acres	\$1,200
51.00 – 100.99 acres	\$1,500
101.00 – 500.99 acres	\$2,000
501.00 - 1,000.99 acres	\$2,500
1,001.00 - 2,000.99 acres	\$3,000
2,001.00 acres and above	\$3,500

(Additional types of charges are outlined in the State Board of Equalization Fee Schedule. LAFCO staff will notify the applicant of the appropriate fees.)

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### Section 3. Out-of-Agency Service Contract

FEE AND DEPOSITS SUMMARY			
Type of Service Contract	Fee	Deposits*	Total
Contracts involving developments such as: subdivisions/tracts as defined by the Subdivision Map Act (five or more units), Specific Plans	\$ 5,562	\$2,400	\$ 7,962
Contracts involving the development of units requiring only a parcel map as defined by the Subdivision Map Act (up to four units)	\$ 1,112 per connection	\$2,400	\$ 3,512 to \$6,848
Any contract for fire protection services outside a public agency's jurisdictional boundaries pursuant to Govt. Code Section 56134	\$ 5,562	\$2,400	\$ 7,962
Contracts to provide services outside a sphere of influence pursuant to Govt. Code Section 56133.5	\$ 1,112	\$2,400	\$ 3,512
Contract Requiring Approval pursuant to Govt. Code Section 56133 (c)	\$ 1,112	\$2,400	\$ 3,512
Development-Related Request for Exemption from Govt. Code Section 56133, requires noticed Commission hearing	\$ 2,502	\$0	\$ 2,502
Non-development-related (Administrative Review from Executive Officer): (1) Out-of-Agency Service Contract (City or District) or (2) Exemption from Govt. Code Section 56133 as Authorized by Commission Policy	\$ 577	\$0	\$ 577

#### \*DEPOSITS BREAKDOWN

Applicants shall be required to reimburse the Commission for all charges and costs in excess of the deposits outlined below. Reimbursement to LAFCO shall be required prior to issuance of the Commission's resolution for service contracts. If charges billed to LAFCO are less than the amount of deposit, the balance will be refunded to the applicant or applied to other categories where excess charges have been incurred.

<b>Legal Counsel</b> (\$250 non-refundable, \$450 deposit)	<b>\$700</b>
<i>It is the policy of this Commission that the costs for Special Counsel due to a representation conflict shall be the responsibility of the applicant. Additionally, as a condition of approval of any action taken by LAFCO, the proponents shall be required to defend, indemnify and hold harmless LAFCO or its agents, officers, and employees from any claim, action, or proceeding against LAFCO or its agents, officers, and employees to attack, set aside, void, or annul the approval of LAFCO concerning the proposal or any action relating to, or arising out of, such approval when such action is brought within the applicable statute of limitations. Refer to <u>Policy and Procedure Manual, Section II, Chapter 2.</u></i>	
<b>Individual Notice</b> (\$250 non-refundable, \$750 deposit)	<b>\$1,000</b>
(1) Individual Mailed Notice or (2) Publication of Display Ad in lieu of Individual Notice <i>In cases where the noticing would involve mailing more than 1,000 notices, the Commission may waive the individual notice requirement and direct its staff to publish a 1/8th page display ad in a newspaper of general circulation within the area. Refer to <u>Policy and Procedure Manual, Section IV, Chapter 1, Policy 9.</u></i>	
<b>Environmental Review</b> (\$250 non-refundable, \$450 deposit)	<b>\$700</b>

*San Bernardino LAFCO  
Schedule of Fess, Deposits, and Charges  
July 1, 2022*

<i>All applicants shall be required to pay the full costs of the Commission's Environmental Consultant's review regardless whether the Commission is the lead or responsible agency as defined under CEQA.</i>	
Preparation of Negative Declaration/Mitigated Negative Declaration	Additional \$15,000
Preparation of an Environmental Impact Report (EIR)	Additional \$25,000
If the proposal requires that LAFCO prepare a Negative Declaration/Mitigated Negative Declaration or EIR as CEQA lead agency, the CA Dept. of Fish and Wildlife (DFW) CEQA Environmental Document Filing Fees are required to be paid at the time LAFCO files the Notice of Determination with the Clerk of the Board of the affected County. The applicant will be notified of the appropriate fees, which must be received by LAFCO prior to the Commission hearing. Contact the LAFCO office for the current DFW filing fees.	

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## **Section 4. Reproduction Charges**

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|----|--|--------------|
| A. | Charges for Purchase of Paper Copies, per page   |              |
|    | (1) from paper materials (requests in excess of 10 pages)                                      | 10 cents     |
|    | (2) from existing digital data (requests in excess of 20 pages)                                | 5 cents      |
| B. | Charges for Purchase of Digital Data   |              |
|    | (1) placement of materials on digital medium   | \$10         |
|    | (2) scan copies of paper materials (if applicable), per page                                   | 5 cents      |
| C. | DVD Copy of Commission Hearing<br>(available if production services are utilized for hearings) | \$25 per DVD |
| D. | Preparation of Transcript of Hearing   | Actual Cost  |

(Those requesting a transcript of a Commission hearing will be notified of the estimated cost for preparation. The Requestor will be required to provide a deposit in the amount of the estimated cost. All costs in excess of the deposit amount will be the responsibility of the Requestor for payment. Any balance remaining after final charges are determined will be refunded to the Requestor.)

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Attachment A:  
Policy and Procedure Manual, Section II, Chapter 2: Financial Policies for  
Application Processing

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 11, 2022   
**FROM:** MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Environmental Determination – Revision of LAFCO for San Bernardino Schedule of Fees, Deposits, and Charges

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The Local Agency Formation Commission is currently considering the revision of its “Schedule of Fees, Deposits, and Charges” which help support the services it provides to the County, cities/towns, special districts, and citizens of San Bernardino County. The California Environmental Quality Act (CEQA) and the State CEQA Guidelines provide a statutory exemption for the review and modification of fee and rate schedules. Specifically, Section 21080(b)(8) of the CEQA and Section 15273(a) of the CEQA Guidelines provide for such statutory exemptions if such rates or charges are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements, etc.

Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines require that the Commission make findings regarding such an exemption indicating specifically the basis for the claim of exemption. Staff recommends that the Commission make the findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the CEQA Guidelines as follows:

- a) Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service; and,
- b) The rates and charges identified in the Schedule of Fees, Deposits, and Charges are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.

Staff recommends that the Commission determine this action is statutorily exempt from CEQA for the reasons outlined in the State CEQA Guideline section cited above. The Commission is required to file a Notice of Exemption with the Clerk to the Board within five working days of its action to approve the Schedule modifications. A copy of this exemption shall be retained in the LAFCO file to serve as verification of this evaluation and as the CEQA environmental determination record.



# 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  
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HEARING DATE: MAY 18, 2022

## RESOLUTION NO. 3350

### A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON THE ADOPTION OF A REVISED SCHEDULE OF FEES, DEPOSITS, AND CHARGES FOR FISCAL YEAR 2022-23.

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

**WHEREAS**, Section 56383 of the California Government Code authorizes a Local Agency Formation Commission to establish a schedule of fees for the filing and processing of applications submitted to the Commission pursuant to the provisions of Government Code Sections 56000 et seq.; and,

**WHEREAS**, the Local Agency Formation Commission for San Bernardino County (hereinafter referred to as the "Commission") adopted the existing Schedule of Fees, Deposits, and Charges on May 19, 2021; 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 this Commission upon the proposed amendments to the Schedule of Fees, Deposits, and Charges; and,

**WHEREAS**, the Executive Officer has prepared a report including his recommendations thereon, said report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was held upon the date and at the time and place specified in the notice of public hearing and in any order or orders continuing such hearing; and,

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

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

## RESOLUTION NO. 3350

**DETERMINATIONS:**

**SECTION 1.** 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.

**SECTION 2.** The Local Agency Formation Commission hereby approves the revised Schedule of Fees, Deposits, and Charges, attached hereto as Exhibit “A”, effective July 1, 2022.

**SECTION 3. FINDINGS.** The following findings are noted in conformance with Commission policy and the provisions of State law:

1. Notice of the Commission's consideration of the Schedule of Fees, Deposits, and Charges amendment has been provided pursuant to the provisions of Government Code Section 66016. To date, no expressions of either in support or opposition to the proposed revisions to the Schedule of Fees, Deposits, and Charges have been received.
2. The Commission determines that the proposed revisions to the Schedule of Fees, Deposits, and Charges are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(8) of CEQA and Section 15273(a), Subsections (1), (2), and (3), of the State CEQA Guidelines. The Commission makes the following findings required by Section 21080(b)(8) of the CEQA and Section 15273(c) of the State CEQA Guidelines:
  - a. Filing and processing fees are authorized by Government Code Section 56383 to cover the estimated reasonable cost of providing the service for which the fee is charged.
  - b. The fees identified in the Schedule of Fees, Deposits, and Charges, attached as Exhibit "A", are for the purpose of: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; and (3) meeting financial reserve needs and requirements.

The Commission hereby adopts the Statutory Exemption and directs the Executive Officer to file a Notice of Exemption within five (5) working days of adoption of the Commission's action with the San Bernardino Clerk to the Board of Supervisors.

**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**

**RESOLUTION NO. 3350**

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 May 18, 2022.

**DATED:**

---

**SAMUEL MARTINEZ**  
Executive Officer

DRAFT

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 11, 2022

**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst



**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #13 – REVIEW AND ADOPTION OF AMENDMENT TO  
LAFCO POLICY AND PROCEDURE MANUAL SECTION III – HUMAN  
RESOURCES**

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## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions:

1. Provide staff with any additional changes, corrections or amendments to the Policy and Procedure Manual as presented;
2. Adopt the amendment to the Policy and Procedure Manual, Section III (Human Resources)
3. Adopt Resolution No. 3351 approving the amendment to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission's website.

## **POLICY AMENDMENT APPROVED IN MARCH:**

In March, the Commission approved the Preliminary Budget, which included a 3.0% COLA to salaries. The proposed amendment to the Policy and Procedure Manual is recommended for formal adoption at this hearing. Attachment #1 includes the existing policy with revisions in track-change format.

### **CONCLUSION:**

Staff requests that the Commission provide staff with any additional changes or corrections to the proposed amendment to the Policy and Procedure Manual for staff to include in the document. Staff recommends that the Commission take the actions outlined on page 1 of this report to approve the changes.

Attachment:

1. [Exhibit A to Draft Resolution No. 3351](#)
2. [Draft LAFCO Resolution No. 3351](#)

San Bernardino LAFCO Policy and Procedure Manual  
Section III – Human Resources Policies and Procedures  
CHAPTER 2: EMPLOYMENT

...

## 2. COMPENSATION

...

- A. SALARY RANGES (*Adopted June 16, 2011; Amended May 16, 2012; October 22, 2014; April 15, 2015; January 27, 2016; July 20, 2016; April 18, 2018; May 15, 2019, Amended May 20, 2020; May 19, 2021; **May 18, 2022***):

The following shall be the salary ranges for LAFCO positions.

Effective **July 30, 2022** ~~July 31, 2021~~, the following shall be the salary ranges for LAFCO positions (**3.0%** ~~2.0%~~ increase):

Position	Hourly Range
Executive Officer	<del>\$88.22 to \$120.34</del> <del>\$85.65 to \$116.83</del>
Assistant Executive Officer	<del>\$44.70 to \$60.76</del> <del>\$43.40 to \$58.99</del>
Senior Analyst	<del>\$39.75 to \$53.94</del> <del>\$38.60 to \$52.37</del>
Project Manager	<del>\$35.42 to \$47.98</del> <del>\$34.38 to \$46.58</del>
LAFCO Analyst – GIS/Database Manager	<del>\$30.10 to \$40.87</del> <del>\$29.22 to \$39.68</del>
Clerk to the Commission/Office Manager	<del>\$26.97 to \$36.28</del> <del>\$26.18 to \$35.22</del>
Administrative Assistant	<del>\$22.58 to \$30.20</del> <del>\$21.92 to \$29.33</del>

Each salary range shall have 14 steps. The spread between steps shall be approximately two and one-half percent (2.5%). The salary schedule shows the hourly rate for each step in the salary range.

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# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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## RESOLUTION NO. 3351

### A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, AMENDING SECTION III (HUMAN RESOURCES) OF ITS POLICY AND PROCEDURE MANUAL

On Wednesday, May 18, 2022, on motion of \_\_\_\_\_, duly seconded by Commissioner \_\_\_\_\_, and carried, the Local Agency Formation Commission adopts the following resolution:

**SECTION 1.** The Local Agency Formation Commission for San Bernardino County, State of California (hereafter shown as "LAFCO"), hereby finds and determines that it wishes to amend Section III (Human Resources) of its Policy and Procedure Manual.

**SECTION 2.** The Local Agency Formation Commission for San Bernardino County therefore determines, resolves and orders that:

1. The Policy and Procedure Manual, Section III (Human Resources), is hereby amended as follows:
  - a. Chapter 2 (Employment), Policy 2 (Compensation)
2. The amended policy of Section III (Human Resources) of the Policy and Procedure Manual attached to this resolution as Exhibit "A" and incorporated herein by reference, is adopted and approved.

**SECTION 3.** The Executive Officer of LAFCO is ordered to certify the passage of this resolution and to cause a copy of the amended Policy and Procedure Manual to be posted on the LAFCO Website, and a certified copy of this resolution to be forwarded to the County Human Resources Department for implementation.

**THIS ACTION APPROVED AND ADOPTED BY THE LOCAL AGENCY FORMATION  
COMMISSION FOR SAN BERNARDINO COUNTY BY THE FOLLOWING VOTE:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

RESOLUTION NO. 3351

ABSENT: COMMISSIONERS:

.....

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

I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of May 18, 2022.

DATED:

\_\_\_\_\_  
SAMUEL MARTINEZ  
Executive Officer



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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---

**DATE:** MAY 11, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #14 – REVIEW AND ADOPTION OF FINAL BUDGET  
FOR FISCAL YEAR 2022-23**

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## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions:

1. Adopt the Fiscal Year 2022-23 Final Budget with the apportionment of net LAFCO costs based upon the Auditor's information attached to this report; and,
2. Direct the Executive Officer to submit to the County Auditor-Controller the adopted Final Budget and request the apportionment of the Commission's net costs to the County, Cities/Towns and Independent Special Districts pursuant to the provisions of Government Code Section 56381 as shown in the approved Final Budget.

## **BACKGROUND:**

The Commission's annual budget process began at the March 16 hearing through adoption of the Proposed Budget for Fiscal Year 2022-23. The Proposed Budget included an outline of the anticipated expenditures, revenues, and reserves for Commission consideration such as payment of step increases and retirement costs, a proposed policy item to implement a 3.0% COLA, continuation of its Governance Training program, and beginning the recruitment for a new Commission Clerk.

On April 14, as required by Government Code Section 56381, staff distributed the Proposed Budget for review and comment to the County, each city/town, and each independent special districts with the request to submit comments by May 10 for inclusion in the final report. As of the date of this report, no comments or concerns have been provided regarding the Proposed Budget as adopted at the March hearing. If concerns

are received following the publication of this report, staff will provide those to the Commission at the hearing along with an oral response.

Staff will be happy to answer any questions from the Commission prior to or at the hearing regarding any of the items within the budget documents or this report. Staff recommends that the Commission take the actions identified on page 1 of this report.

Attachments:

1. [Final Budget Spreadsheet](#)
2. [Auditor's Apportionment Distribution for the County, Cities and Towns, and Independent Special Districts](#)
3. [Salaries and Benefits Detail](#)
4. [Services and Supplies Detail](#)
5. [Revenue Detail](#)

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 19-20	ACTUAL YEAR-END FY 20-21	PROJECTED YEAR-END FY 21-22	PROPOSED FY 22-23 Year 1	FORECAST FY 23-24 Year 2	FORECAST FY 24-25 Year 3
					Retirement		
					No Amortization		
	<b>SALARIES AND BENEFITS</b>						
1010	Earnable Compensation	481,359	437,453	429,802	480,213	454,856	468,502
1030	Auto and Cell Phone Allowances	9,735	9,450	9,188	9,275	9,100	9,100
1035	Overtime		3	-			
1045	Termination Payment		1,839	-			
1110	General Member Retirement	184,013	155,303	171,970	166,721	160,244	165,052
1130	Survivors Benefits	176	140	119	106	95	97
1200	Medical Premium Subsidy	56,704	44,613	45,869	58,179	53,323	54,923
1205	Long-Term Disability	1,110	945	978	1,087	1,035	1,066
1207	Vision Care Insurance	779	603	616	700	623	642
1215	Dental Insurance Subsidy	1,240	891	870	1,106	984	1,013
1222	Short-Term Disability	5,642	4,743	4,863	5,367	5,099	5,252
1225	Medicare	5,805	5,127	4,977	6,039	6,303	6,492
1235	Workers' Compensation (see Account 2245)		2,534				
1240	Life Insurance & Medical Trust Fund	9,714	9,238	13,301	13,665	13,893	14,310
1305	Medical Reimbursement Plan	3,900	2,859	3,840	5,971	5,132	5,286
1314	457/401a Contribution	2,850	2,849	2,964	3,247	3,146	3,241
1315	401k Contribution	37,060	30,506	29,381	32,190	32,451	33,425
	<b>TOTAL SALARIES &amp; BENEFITS</b>	<b>\$ 800,085</b>	<b>\$ 709,096</b>	<b>\$ 718,737</b>	<b>\$ 783,866</b>	<b>\$ 746,284</b>	<b>\$ 768,399</b>
	Staffing (Full time equivalent units)	5.0	4.5	4.5	4.5	4.0	4.0
	<b>SERVICES AND SUPPLIES</b>						
2031	Payroll System Services (County IT)	794	694	653	884	902	920
2032	Virtual Private Network (County IT)		350	145	158	162	165
2033	Network Labor Services (County IT)		1,006	-	-	-	-
2037	Dial Tone (County IT)	3,434	3,061	2,466	3,061	3,122	3,184
2041	Data Line	7,592	8,552	8,292	8,400	8,568	8,739
2043	Electronic Equipment Maintenance (County IT)	-	-	-	-	-	-
2075	Membership Dues	11,822	12,144	18,437	12,769	13,024	13,285
2076	Tuition Reimbursement	999	999	1,999	2,000	2,040	2,081

## Attachment #1

## Budget Spreadsheets

ACCT.	ACCOUNT NAME	ACTUAL YEAR-END FY 19-20	ACTUAL YEAR-END FY 20-21	PROJECTED YEAR-END FY 21-22		PROPOSED FY 22-23 Year 1	FORECAST FY 23-24 Year 2	FORECAST FY 24-25 Year 3
#								
						Retirement		
						No Amortization		
2080	Publications	2,758	3,483	2,917		3,408	3,476	3,545
2085	Legal Notices	12,361	18,240	11,255		20,000	20,400	20,808
2090	Building Expense	7,672	7,260	7,260		7,380	7,528	7,678
2115	Software	-	4,933	10,589		2,283	2,329	2,375
2135	Utilities	2,557	-	-		-	-	-
2180	Electricity	5,206	4,335	5,031		6,000	6,120	6,242
2245	Other Insurance	12,683	12,027	21,807		19,274	19,659	20,053
2305	General Office Expense	3,117	9,359	2,349		1,584	1,616	1,648
2308	Credit Card Clearing Account	677	79	(378)		-	-	-
2310	Postage - Direct Charge	11,150	5,792	4,540		5,716	5,830	5,947
2315	Records Storage	1,134	837	772		772	788	804
2322	Enterprise Printing (County IT)		90	86		86	87	89
2323	Reproduction Services	1,074	560	250		500	510	520
2335	Temporary Services	-	2,487	2,940		1,500	1,530	1,561
2400	Legal Counsel	39,798	34,148	139,622		40,800	42,024	43,285
2405	Auditing	21,365	8,445	8,070		11,915	12,153	12,396
2410	IT Infrastructure (County IT)	11,252	9,673	3,629		586	598	610
2415	Countywide Cost Allocation Program (COWCAP)	13,328	4,581	8,752		-	-	-
2416	Enterprise Printing (County IT)	31	-	19		-	-	-
2417	Enterprise Content Management (County IT)		1,886	1,866		1,848	1,885	1,923
2418	Data Storage Services (County IT)	8,457	4,842	4,476		4,116	4,198	4,282
2420	Wireless Device Access (County IT)	286	211	193		211	215	220
2421	Desktop Support Services (County IT)	15,171	11,994	10,157		12,830	13,087	13,349
2424	Environmental Consultant	20,796	15,474	10,345		8,230	8,395	8,562
2444	Security Services	691	642	492		492	502	512
2445	Other Professional Services	63,255	39,509	53,348		101,092	103,114	105,177
2449	Outside Legal (Litigation & Special Counsel)	7,453	275	-		-	-	-
2450	Systems Development Charges (County IT)			5,823		7,764	7,919	8,078
2460	Aerial Imagery (County IT)	3,000	3,000	7,250		3,000	3,060	3,121
2895	Rent/Lease Equipment (copier)	5,776	1,786	4,698		5,100	5,202	5,306

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 19-20	ACTUAL YEAR-END FY 20-21	PROJECTED YEAR-END FY 21-22	PROPOSED FY 22-23 Year 1	FORECAST FY 23-24 Year 2	FORECAST FY 24-25 Year 3
					Retirement		
					No Amortization		
2905	Office/Hearing Chamber Rental	97,951	93,535	96,142	60,669	62,489	63,739
2940	Private Mileage	3,427	-	1,096	3,596	3,668	3,742
2941	Conference/Training	5,305	375	2,355	5,490	5,600	5,712
2942	Hotel	5,926	-	3,355	12,350	12,597	12,849
2943	Meals	744	-	500	1,200	1,224	1,248
2945	Air Travel	1,592	-	200	800	816	832
2946	Other Travel	773	-	75	300	306	312
5012	Transfer to County (Staples & Microsoft)	2,732	1,227	6,673	6,689	6,823	6,959
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>\$ 414,139</b>	<b>\$ 327,891</b>	<b>\$ 470,547</b>	<b>\$ 384,854</b>	<b>\$ 393,566</b>	<b>\$ 401,858</b>
<b>TOTAL EXPENDITURES</b>		<b>\$ 1,214,223</b>	<b>\$ 1,036,988</b>	<b>\$ 1,189,284</b>	<b>\$ 1,168,720</b>	<b>\$ 1,139,850</b>	<b>\$ 1,170,257</b>
	<b>TRUST TRANSFERS</b>						
9990	SBCERA Additional Payment	42,500	43,852		50,000	52,500	55,125
<b>TOTAL TRUST TRANSFERS</b>		<b>\$ 42,500</b>	<b>\$ 43,852</b>	<b>\$ -</b>	<b>\$ 50,000</b>	<b>\$ 52,500</b>	<b>\$ 55,125</b>
<b>TOTAL APPROPRIATION</b>		<b>\$ 1,256,723</b>	<b>\$ 1,080,840</b>	<b>\$ 1,189,284</b>	<b>\$ 1,218,720</b>	<b>\$ 1,192,350</b>	<b>\$ 1,225,382</b>

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 19-20	ACTUAL YEAR-END FY 20-21	PROJECTED YEAR-END FY 21-22		PROPOSED FY 22-23 Year 1	FORECAST FY 23-24 Year 2	FORECAST FY 24-25 Year 3
						Retirement		
						No Amortization		
	RESERVES (Increases)							
6000	Contingency (Assigned)			6,400		5,000	5,000	5,000
6025	General (Assigned)			25,000		25,000	25,000	25,000
6030	Compensated Absences (Committed)	12,769	32,477	9,452		5,000	5,000	5,000
6035	Salary for Extra Pay Period (Committed)			3,000		3,000	3,000	3,000
TOTAL RESERVES (Increases)		\$ 12,769	\$ 32,477	\$ 43,852		\$ 38,000	\$ 38,000	\$ 38,000

## Attachment #1

## Budget Spreadsheets

ACCT #	ACCOUNT NAME	ACTUAL YEAR-END FY 19-20	ACTUAL YEAR-END FY 20-21	PROJECTED YEAR-END FY 21-22	PROPOSED FY 22-23 Year 1	FORECAST FY 23-24 Year 2	FORECAST FY 24-25 Year 3
	Use of Money:						
8500	Interest	16,325	7,512	5,822	10,000	12,500	15,000
	Mandatory Contribution from Governments:						
8842	Apportionment	1,090,497	1,120,497	1,090,497	1,090,497	1,090,497	1,117,759
					0.0%	0.0%	2.5%
	Fees and Deposits (Current Services):						
9545	Individual Notice Deposit	7,429	6,032	8,500	9,000	9,000	9,000
9555	Legal Services Deposit	18,404	15,650	13,500	12,000	12,000	12,000
9595	Protest Hearing Deposit	-	10,595	4,000	3,000	3,000	3,000
9655	Digital Mapping Fee	1,605	4,760	595	2,735	2,735	2,735
9660	Environmental Deposits	10,245	11,328	7,500	7,800	7,800	7,800
9800	LAFCO Fee	93,422	48,278	62,459	71,044	73,176	75,371
	<b>Total Fees and Deposits</b>	<b>131,105</b>	<b>96,643</b>	<b>96,554</b>	<b>105,579</b>	<b>107,711</b>	<b>109,906</b>
	<b>OTHER REVENUES</b>						
9560	Indemnification Recovery						
9910	Prior Year Activity (refunds, collections)						
9930	Miscellaneous	580	158	1,242			
9970	Carryover of Fund Balance		1,123	96,575	50,644	19,642	20,716
9973	Stale-dated Checks	38	60				
	<b>TOTAL OTHER REVENUES</b>	<b>618</b>	<b>1,341</b>	<b>97,817</b>	<b>50,644</b>	<b>19,642</b>	<b>20,716</b>
	<b>TOTAL REVENUES</b>	<b>\$ 1,238,544</b>	<b>\$ 1,225,993</b>	<b>\$ 1,290,690</b>	<b>\$ 1,256,720</b>	<b>\$ 1,230,350</b>	<b>\$ 1,263,381</b>

**Attachment #2**

**LAFCO Cost Allocation  
County of San Bernardino Allocation  
PY 2022-2023**

	<b>Amount</b>	<b>Percentage of Total Cost</b>
<b>County of San Bernardino</b>		
Total LAFCO Cost	\$ 1,090,497.00	100.00%
County of San Bernardino Allocation (1/3)*	\$ 363,499.00	33.33%
<b>Total San Bernardino County Allocation</b>	<b>\$ 363,499.00</b>	<b>33.33%</b>

**Note:**

\* Per LAFCO Funding Election, County of San Bernardino pays third of total LAFCO cost.

\* Total LAFCO Apportionment for FY 2022-23 is \$1,090,497 (by letter dated March 22, 2022)

**HISTORY**

FY 18-19 Allocation	368,499.00
FY 19-20 Allocation	363,499.00
FY 20-21 Allocation	373,499.00
FY 21-22 Allocation	363,499.00
<b>FY 22-23 Allocation</b>	<b>\$ 363,499.00</b>



## Attachment #2

**LAFCO Cost Allocation**  
**Cities Allocation**  
**FY 2022-2023**

City	Allocation FY 18-19	Allocation FY 19-20	Allocation FY 20-21	Allocation FY 21-22	Total Revenues FY 19-20	LAFCO Allocation	Allocation Percentage
Adelanto	\$ 2,240.90	\$ 3,106.46	\$ 3,734.16	\$ 2,463.98	\$ 20,455,012.00	\$ 2,452.75	0.67%
Apple Valley	10,809.07	8,866.05	8,056.48	9,414.16	75,588,849.00	9,063.83	2.49%
Barstow	5,923.58	5,364.34	6,125.77	4,793.82	42,097,052.00 *	5,047.84	1.39%
Big Bear Lake	6,601.49	6,493.22	6,879.92	5,552.81	51,135,247.00 *	6,131.61	1.69%
Chino	20,306.42	19,048.26	22,999.94	25,777.17	242,539,303.00	29,082.79	8.00%
Chino Hills	20,295.94	18,351.18	15,710.14	14,673.08	120,157,348.00	14,408.02	3.96%
Colton	19,442.85	8,597.50	8,799.25	17,957.16	140,780,419.00	16,880.92	4.64%
Fontana	33,274.00	41,419.87	45,210.89	32,061.62	273,023,477.00 *	32,738.13	9.01%
Grand Terrace	971.80	1,707.26	1,904.96	947.04	8,036,389.00	963.64	0.27%
Hesperia	10,727.48	15,178.76	12,005.66	9,199.12	83,711,706.00 *	10,037.84	2.76%
Highland	5,995.59	5,738.72	7,417.31	4,632.27	34,415,088.00	4,126.70	1.14%
Loma Linda	8,144.92	4,352.73	5,313.92	5,481.28	40,931,869.00	4,908.12	1.35%
Montclair	6,846.56	7,985.12	8,294.09	6,527.42	47,132,357.00	5,651.62	1.55%
Needles	844.79	1,575.78	1,528.37	3,679.43	32,265,777.00	3,868.98	1.06%
Ontario	59,715.06	61,346.68	67,448.50	69,038.24	559,999,194.00	67,149.27	18.47%
Rancho Cucamonga	29,485.55	34,346.15	36,508.28	26,720.01	204,063,843.00 *	24,469.21	6.73%
Redlands	18,766.35	15,475.33	16,194.85	19,710.80	164,894,706.00	19,772.46	5.44%
Rialto	19,722.21	27,103.33	25,539.51	23,152.70	189,763,787.00	22,754.50	6.26%
San Bernardino	40,462.86	30,870.62	32,556.61	32,598.10	276,183,147.00	33,117.01	9.11%
Twentynine Palms	1,590.88	2,427.43	2,623.86	1,590.69	14,955,064.00	1,793.26	0.49%
Upland	14,526.42	12,323.54	10,778.98	14,316.11	123,066,816.00	14,756.89	4.06%
Victorville	24,468.26	23,185.07	17,281.77	25,575.86	227,112,693.00 *	27,232.99	7.49%
Yucaipa	5,109.26	5,886.78	6,370.91	5,218.27	37,075,542.00	4,445.71	1.22%
Yucca Valley	2,226.78	2,748.82	4,214.87	2,417.86	22,057,532.00	2,644.91	0.73%
<b>Totals</b>	<b>\$ 368,499.00</b>	<b>\$ 363,499.00</b>	<b>\$ 373,499.00</b>	<b>\$ 363,499.00</b>	<b>\$ 3,031,442,217.00</b>	<b>\$ 363,499.00</b>	<b>100.00%</b>
Allocation is based on Cities revenues extracted from Fiscal Year 2019-20 tables published on the State Controller's website (www.sco.ca.gov). Fiscal Year 2020-21 was not available as of April 8, 2022.							
* Cities with subsidiary districts. Subsidiary districts are excluded from the special district distribution and their revenues are included in the cities' revenues. Blended Component Units are below:							
Barstow Fire Protection District (City of Barstow)							
Big Bear Lake Fire Protection District (City of Big Bear Lake)							
Fontana Fire Protection District (City of Fontana)							
Hesperia County Water District (City of Hesperia)							
Hesperia Fire Protection District (City of Hesperia) - inactive as of 11/01/2018							
Rancho Cucamonga Fire Protection District (City of Rancho Cucamonga)							
Victorville Water District (City of Victorville)							

# Attachment #2

## LAFCO Cost Allocation Special Districts Allocation FY 2022-2023

District Name	Apportionment FY 18-19	Apportionment FY 19-20	Apportionment FY 20-21	Apportionment FY 21-22	Total Revenues* FY 19-20	Apportionment FY 22-23
Apple Valley Fire Protection	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 12,590,177.00	\$ 10,000.00
Apple Valley Foothill County Water	388.67	285.22	274.52	179.08	164,444.00	2.63
Apple Valley Heights County Water	772.95	571.52	764.55	303.75	396,962.00	6.35
Arrowbear Park County Water	3,187.14	2,723.80	2,428.29	1,171.07	1,403,310.00	22.45
Baker Community Services	1,932.08	1,193.65	1,279.62	601.18	712,799.00	11.41
Barstow Cemetery	1,052.82	594.95	545.38	280.59	420,792.00	6.73
Barstow Heights Community Services	173.01	118.92	117.32	62.27	73,921.00	1.18
Bear Valley Community Healthcare	1,500.00	1,500.00	1,500.00	1,500.00	2,019,667.00	1,500.00
Big Bear Airport	5,000.00	3,731.47	3,806.39	2,127.80	2,468,215.00	39.49
Big Bear City Community Services	10,000.00	10,000.00	10,000.00	10,000.00	15,097,897.00	10,000.00
Big Bear Municipal Water	5,000.00	10,000.00	10,000.00	10,000.00	6,138,484.00	10,000.00
Big River Community Services	280.49	183.06	174.23	84.84	154,072.00	2.47
Bighorn-Desert View Water Agency	5,000.00	3,704.81	3,761.85	1,856.16	2,308,268.00	36.93
Chino Basin Water Conservation	4,669.76	4,737.17	5,000.00	3,086.56	3,654,509.00	58.48
Chino Valley Independent Fire	20,000.00	20,000.00	20,000.00	20,000.00	45,532,119.00	20,000.00
Crestline Lake Arrowhead Water Agency	10,000.00	10,000.00	10,000.00	10,000.00	8,238,155.00	10,000.00
Crestline Sanitation District	5,000.00	5,000.00	5,000.00	4,281.75	5,088,108.00	10,000.00
Crestline Village Water	5,000.00	4,996.20	5,000.00	2,875.87	3,304,657.00	52.88
Cucamonga Valley Water District	30,000.00	30,000.00	30,000.00	30,000.00	108,233,101.00	30,000.00
Daggett Community Services	739.20	593.07	594.12	272.94	259,415.00	4.15
East Valley Water	20,000.00	20,000.00	20,000.00	20,000.00	40,459,570.00	20,000.00
Helendale Community Services District	5,000.00	5,000.00	10,000.00	10,000.00	6,060,958.00	10,000.00
Hesperia Recreation and Park	5,000.00	10,000.00	10,000.00	10,000.00	9,649,105.00	10,000.00
Hi-Desert Memorial Healthcare District	1,500.00	1,500.00	1,500.00	1,500.00	10,861,546.00	1,500.00
Hi-Desert Water District	10,000.00	10,000.00	10,000.00	10,000.00	17,228,338.00	10,000.00
Inland Empire Resource Conservation	5,000.00	3,680.67	3,103.33	2,074.24	4,207,471.00	67.33
Inland Empire Utilities Agency	30,000.00	30,000.00	30,000.00	30,000.00	219,198,974.00	30,000.00
Joshua Basin Water	10,000.00	10,000.00	10,000.00	10,000.00	7,666,510.00	10,000.00
Juniper-Riviera County Water	794.94	533.88	524.23	276.05	322,087.00	5.15
Lake Arrowhead Community Services	10,000.00	10,000.00	10,000.00	10,000.00	20,635,914.00	20,000.00
Mariana Ranchos County Water	1,352.32	965.62	963.49	497.44	549,364.00	8.79
Mojave Desert Resource Conservation	233.22	237.29	226.84	116.66	135,043.00	2.16
Mojave Water Agency	20,000.00	20,000.00	20,000.00	20,000.00	55,197,152.00	30,000.00
Monte Vista Water	10,000.00	10,000.00	10,000.00	20,000.00	23,276,757.00	20,000.00
Morongo Valley Community Services	2,501.96	2,371.92	1,662.65	887.79	965,925.00	15.46
Newberry Community Services	620.20	355.32	365.96	184.07	222,540.00	3.56
Phelan Pinon Hills Community Services District	10,000.00	10,000.00	10,000.00	10,000.00	10,748,450.00	10,000.00
Rim of the World Recreation and Park	3,120.65	1,990.72	2,000.85	1,041.43	1,109,536.00	17.75
Running Springs Water	10,000.00	10,000.00	10,000.00	10,000.00	7,482,513.00	10,000.00
San Bernardino Mountains Community Hospital	1,500.00	1,500.00	1,500.00	1,500.00	(5,448.00)	-
San Bernardino Valley Municipal Water	30,000.00	30,000.00	30,000.00	30,000.00	141,825,429.00	30,000.00
San Bernardino Valley Water Conservation	5,000.00	3,951.62	4,281.93	2,418.94	3,548,354.00	56.78
Thunderbird County Water	622.80	427.24	405.11	216.36	227,908.00	3.65
Twentynine Palms Cemetery	648.28	439.74	443.20	249.99	251,317.00	4.02
Twentynine Palms Water District	10,000.00	5,000.00	10,000.00	10,000.00	5,503,016.00	10,000.00
West Valley Mosquito and Vector Control	5,000.00	5,000.00	5,000.00	3,101.45	3,631,586.00	58.11
West Valley Water District	20,000.00	20,000.00	20,000.00	20,000.00	33,022,132.00	20,000.00
Wrightwood Community Services District	382.15	268.09	790.16	430.10	465,023.00	7.44
Yermo Community Services	339.68	222.02	372.30	262.38	160,433.00	2.57
Yucaipa Valley Water	20,000.00	20,000.00	20,000.00	20,000.00	26,836,502.00	20,000.00
Yucca Valley Airport	186.68	121.03	112.68	58.24	67,303.00	1.08
<b>Totals</b>	<b>\$ 368,499.00</b>	<b>\$ 363,499.00</b>	<b>\$ 373,499.00</b>	<b>\$ 363,499.00</b>	<b>\$ 869,770,380.00</b>	<b>\$ 363,499.00</b>

All data in this worksheet are extracted from Fiscal Year 2019-20 Special Districts revenues published on the State Controller's website. FY 2020-21 was not available as of April 8, 2022.

Pursuant to authority provided by Government Code Section 56381, the Independent Special Districts, by majority vote, have determined an Alternative Funding Formula to the Independent Special Districts' mandatory share of the LAFCO net operating costs as follows:

- Healthcare (Hospital) Districts shall be limited to payment of \$1,500 regardless of Total Revenue.
- Those districts with Total Revenue of more than \$50,000,000 shall pay \$30,000.
- Those districts with Total Revenue of between \$20,000,000 to \$50,000,000 shall pay \$20,000.
- Those districts with Total Revenue of between \$5,000,000 to \$20,000,000 shall pay \$10,000.
- Those districts with Total Revenue of between \$2,000,000 to \$5,000,000 shall contribute an amount not to exceed \$5,000.
- Those districts with Total Revenue of less than \$2,000,000 shall be apportioned an amount to be determined by the ratio of each district's Total Revenue as compared to the Total Revenues whose share does not exceed \$5,000.

## Attachment #3

## Salaries and Benefits Detail

Account		Charge Measurement	Rate Inc/Dec	Total
1010	<b>Earnable Compensation</b>	Per Salary Schedule	Increasing 9.7%	\$ 480,213
	<i>Includes dual appointment of clerk for 5 months, step increases (3 employees), 2% longevity pay for those with 15 yrs (3 employees), leave cashouts, 3% COLA (all).</i>			
1030	<b>Auto &amp; Phone Allowances</b>	Auto Allowance (\$300 per pay period)	--	\$ 9,275
		Mobile Phone Allowance (\$50 per pay period)	--	
	<i>Executive Officer auto and phone allowances, per Benefit Plan.</i>			
1110	<b>General Member Retirement</b>	Tier 1: Decrease from 39.92% to 35.30%	Decreasing 11.6%	\$ 166,721
		Tier 2: Decrease from 34.99% to 30.30%	Decreasing 13.4%	
	<i>Contributions to retirement plan. Per SBCERA and Retirement Board adopted rates.</i>			
1130	<b>Survivors Benefits</b>	\$0.91 per pay period per employee	--	\$ 106
	<i>The survivor benefit is provided by SBCERA in lieu of Social Security's death benefits since members do not participate in Social Security. General members pay a contribution each pay period to fund this benefit.</i>			
1200	<b>Medical Premium Subsidy</b>	\$594.04 per period (employee +2): 2 employees	Increasing 3.0%	\$ 58,179
		\$423.33 per period (employee +1): 2 employees	Increasing 3.0%	
		\$268.76 per period (employee +0): 1 employee	Increasing 3.0%	
	<i>A subsidy is provided to offset employee medical premiums.</i>			
1205	<b>Long-Term Disability</b>	0.24% of Base Pay	--	\$ 1,087
	<i>Long-term disability insurance.</i>			
1207	<b>Vision Insurance</b>	\$5.99 per employee per period	Increasing 3.6%	\$ 700
	<i>Vision insurance.</i>			
1215	<b>Dental Insurance Subsidy</b>	\$9.46 per employee per period	--	\$ 1,106
	<i>A subsidy is provided to offset employee dental premiums.</i>			
1222	<b>Short-Term Disability</b>	Short-term disability insurance (1.12% of Base Pay)	--	\$ 5,367
		FMLA program charge (\$1.57 per employee per period)	Increasing 2.5%	
	<i>Short-term disability insurance &amp; admin cost for family medical leave.</i>			
1225	<b>Medicare</b>	1.412% of Earnable Compensation	--	\$ 6,039
	<i>Contribution to Social Security Medicare for those entering after 1985 (4 employees).</i>			
1235	<b>Workers' Compensation</b>	1.07% of Base Pay	--	\$ -
	<i>Purchased thorough Special Districts Management Authority (SDRMA), a joint powers authority. Paid in a comprehensive SDRMA bill under Account 2245.</i>			
1240	<b>Life Insurance &amp; Med Trust Fund</b>	Life Insurance (\$1.69 per employee per period)	Increasing 3.6%	\$ 13,665
		Variable Life Insurance (\$623 for 2 employees)	--	
		Retirement Medical Trust Fund (\$13,503 for 3 employees)	--	
	(1) Life Insurance is a benefit for all employees.			
	(2) Employees may purchase Variable Life Insurance, which has an employer contribution (2 employees).			
	(3) LAFCO contributes to a Retirement Medical Trust Fund for employees with over 5 years of service (3 employees).			

## Attachment #3

## Salaries and Benefits Detail

Account		Charge Measurement	Rate Inc/Dec	Total
1305	Medical Reimbursement Plan	Medical Reimbursement (up to \$40 per employee/period)	--	\$ 5,971
		Healthy Lifestyles (gym, \$324 per employee - 3)	--	
1314	457/401a Contribution	1% match for Executive Officer, 0.5% for all others	--	\$ 3,247
	<i>LAFCO matches employee contributions to the 457 savings plan of the County up to 0.5% for Groups B and C, and 1% for Group A (Executive Officer).</i>			
1315	401k Contribution	8% match for Group A & B, 6% match for Group C	--	\$ 32,190
	<i>LAFCO matches employee contributions to the 401(k) savings plan of the County up to 8% for Groups A and B, and up to 4% for Group C (new hires except for EO).</i>			
<b>TOTAL SALARIES AND BENEFITS</b>				<b>\$ 783,866</b>

## Attachment #4

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
2031	<b>Payroll System Services (County IT)</b>	\$6.80 per pay period (26 periods), per employee (5)	--	\$ 884.00
	<i>Maintenance, support, and enhancements for County's payroll system and infrastructure.</i>			
2032	<b>Virtual Private Network (County IT)</b>	\$6.60 per month per user (2 users)	--	\$ 158.40
	<i>Use of the County's VPN for remote data access.</i>			
2033	<b>Network Labor Services (County IT)</b>	No activity	--	\$ -
	<i>County IT labor for the network.</i>			
2037	<b>Dial Tone (County IT)</b>	\$28.34 per line (9) per month	--	\$ 3,060.72
	<i>Phone line. Includes support services.</i>			
2041	<b>Data Line</b>	\$700 per month	--	\$ 8,400.00
	<i>Fiber optic data line from Verizon.</i>			
2043	<b>Electronic Equipment Maintenance (County IT)</b>	No activity		\$ -
	<i>County ISD services for data line installation.</i>			
2075	<b>Membership Dues</b>	CSDA: \$1,482	--	\$ 12,769.00
		CALAFCO: \$11,287	Increasing 4.9%	
	<i>Membership in Professional Associations.</i>			
2076	<b>Tuition Reimbursement</b>	Two employees at max reimbursement	No change	\$ 2,000.00
	<i>Pursuant to the LAFCO Benefits Plan, employees can be reimbursed for up to \$1,000 for approved tuition, course/seminar or degree related expenses, and membership dues in professional organizations.</i>			
2080	<b>Publications</b>	CA Land Use & Planning Law: \$101.00	--	\$ 3,407.72
		CA Annotated Code Books: \$269/month	Increasing 7.6%	
		Longtin's CA Land Use: \$78.60	--	
	<i>Purchase or subscription to professional publications related to LAFCO study areas.</i>			
2085	<b>Legal Notices</b>	General paper: \$1,000 per hearing (8 meetings & 1 workshop)	--	\$ 20,000.00
		Local Paper: \$1,000 per hearing (8 meetings)	--	
		Vacancy notices: \$1,500 each (0 notice)	--	
		Protest hearing: \$1,000 per hearing (3 hearings)	--	
	<i>Legal and policy requirement for notices: hearing, protest hearing, public member vacancy, etc... An eighth-page display ad in general newspapers is required for the countywide service reviews and when advertisement is authorized in-lieu of individual landowner and/or registered voter notice.</i>			
2090	<b>Building Expense</b>	HVAC: \$375 per quarter	Increasing 8.7%	\$ 7,380.00
		Janitorial: \$490 per month	--	
	<i>Ongoing maintenance of the staff office.</i>			
2115	<b>Software</b>	Laserfische archiving: \$1,313.00 annual	--	\$ 2,283.00
		Adobe license for office, annual, (\$900)		
		Microsoft license for one laptop, \$70 annual		
	<i>Purchases, subscriptions, and updates of software and online programs, to include digital archiving software for LAFCO to maintain its records in perpetuity per Government Code Section 56382.</i>			
2135	<b>Utilities</b>	No activity		\$ -
	<i>For miscellaneous utility charges</i>			
2180	<b>Electricity</b>	\$600 per month	Decreasing 16%	\$ 6,000.00
	<i>LAFCO is responsible for electricity payments while located at the train depot.</i>			
2245	<b>Other Insurance</b>	Annual Insurance (\$14,340)	Increasing 5%	\$ 19,274.00
		Workers' Compensation (\$4,934)	--	

## Attachment #4

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
	<i>Liability insurance (property, general, personal, employment, benefits, auto) errors and omissions, and employee dishonesty coverage, as well as Workers' Comp. Purchased through the Special District Risk Management Authority (SDRMA).</i>			
2305	<b>General Office Expense</b>	Petty Cash Reimbursement: \$250 per quarter (\$1,000)	--	\$ 1,584.00
		Paper shredding: \$204	--	
		Zoom subscription for meetings (\$20 per month)	--	
		Vimeo subscription for digital archive of meetings (\$240/yr)		
		Printer cartridges:\$400	--	
	<i>Niche and random items for the office. See Account 5012 for Office Supplies per contract pricing.</i>			
2308	<b>Credit Card Clearing Account</b>			\$ -
	<i>Clearing account for credit card issued to the Executive Officer. All charges post to this account temporarily with charges then transferred to the appropriate accounts.</i>			
2310	<b>Postage - Direct Charge</b>	Months with meetings (8): \$400 per month	--	\$ 5,716.00
		Months with no meetings (4): \$200 per month	--	
		Mail delivery: \$6.50 per stop (22 per month)	--	
	<i>On avg. USPS rates increasing 10%. County mail handling increasing 18%. LAFCO implementing more digital circulation as cost savings, which reduce costs overall.</i>			
2315	<b>Records Storage</b>	\$64 per month	--	\$ 772.44
	<i>Off-site retention of records. Gov Code 56382 mandates LAFCO to maintain its records in perpetuity.</i>			
2322	<b>Enterprise Printing (County IT)</b>	\$10.71 per month	Increasing 50%	\$ 85.68
	<i>County printing of payroll documents.</i>			
2323	<b>Reproduction Services</b>	\$500 estimate based on prior year		\$ 500.00
	<i>Printing activity outside of the LAFCO office (County Printing Services, Kinkos, etc.).</i>			
2335	<b>Temporary Services</b>	\$25 per hour, per contract rate	--	\$ 1,500.00
	<i>Use of temporary services for clerical support.</i>			
2400	<b>Legal Counsel</b>			\$ 40,800.00
		Months with meetings (8): \$4,000 per month	Increasing 3.0%	
		Months with no meetings (5): \$1,500 per month	Increasing 3.0%	
	<i>Contract with Best, Best, and Krieger for general and special counsel. Costs related to a proposal are recoverable pursuant to Commission policy. Payments received for cost recovery are deposited into Revenue Account 9555.</i>			
2405	<b>Auditing</b>	SBCERA costs for GASB 67 & 68: \$3,018	--	\$ 11,915.00
		Independent auditor: \$8,715	Increasing 5%	
	<i>Contract with Davis Farr LLP for independent auditing services. SBCERA is required to determine the unfunded liability for its participants and by legislative action can charge for that requirement.</i>			
2410	<b>IT Infrastructure (County IT)</b>	\$117.21 per month per email address (5 addresses)	--	\$ 586.05
	<i>Support of computer/server systems, email, wide area network, internet access, IT security, virus protection, help desk, and data center.</i>			
2415	<b>Countywide Cost Allocation Program (COWCAP)</b>	Per the County COWCAP publication	--	\$ -
	<i>The County Auditor charges for county-related costs incurred in the prior year.</i>			
2416	<b>Enterprise Printing (County IT)</b>	Per print impression, annual estimate	--	\$ -
	<i>Printing from County's enterprise server related to payroll.</i>			
2417	<b>Enterprise Content Management (County IT)</b>	\$154 per month, based on storage allocation	Decreasing 1.9%	\$ 1,848.00
	<i>High-speed enterprise data storage services, including data backup and recovery.</i>			

## Attachment #4

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
2418	<b>Data Storage Services (County IT)</b>	\$403 per month, based on storage allocation	Decreasing 14.9%	\$ 4,116.00
	<i>High-speed general data storage services, including data backup and recovery.</i>			
2420	<b>Wireless Device Access (County IT)</b>	\$17.59 per month, per user (1 user)	--	\$ 211.08
	<i>Phone sync to County email.</i>			
2421	<b>Desktop Support Services (County IT)</b>	\$133.65 per month, per computer (8 computers)	--	\$ 12,830.40
	<i>County tech support &amp; monitoring for computers and applications.</i>			
2424	<b>Environmental Consultant</b>	Consultant work, per contracted rate, 11 reviews	--	\$ 8,230.00
		File with County Clerk, 15 actions, \$50 each	--	
	<i>The Commission contracts with an independent consultant, Tom Dodson and Associates, for the environmental assessment associated with its proposals. Most environmental consultant costs are billable under the Commission's existing fee schedule. Payments received for cost recovery are deposited into Revenue Account 9660.</i>			
2444	<b>Security Services</b>	\$123 per quarter	--	\$ 492.00
	<i>Maintain and monitor the security system.</i>			
2445	<b>Other Professional Services</b>	Surveyor proposal review: \$450 each proposal (7)	--	\$ 101,092.40
		Commissioner stipend: \$200 per meeting (8 + 1 workshop)	--	
		Commissioner stipend: \$200 per committee mtg (4)		
		ROV: \$100.60 per hour (11)	--	
		Bob Aldrich for staffing: \$75/hr	--	
		County processing of quarterly taxes: \$1,000/quarter	--	
		County work on apportionment: \$8,534	Increasing 5%	
		Video recording of meetings: \$750 per meeting (8)	--	
		Commissioner stipend for SoCal LAFCO: \$200 per mtg. (4)	--	
		Commissioner Workshop		
		Governance Training Program for Local Agencies	--	
	<i>This account is for outside services to assist in processing applications and service reviews as well as conducting Commission hearings. Staffing support from Bob Aldrich will correspond with proposal activity levels. Governance training will include two courses.</i>			
2449	<b>Outside Legal (Litigation &amp; Special Counsel)</b>	Per special counsel rate		\$ -
	<i>Legal services conducted through special contract for either litigation or when a conflict of interest waiver is not granted. For proposals not initiated by the Commission, the applicant agrees to indemnify the Commission against legal costs. Payments received for cost recovery are deposited into Revenue Account 9660.</i>			
2450	<b>Systems Development Charges (County IT)</b>	Estimate of 60 hours at \$129.40/hr		\$ 7,764.00
	<i>Maintenance and Support of LAFCO website.</i>			
2460	<b>Aerial Imagery (County IT)</b>	Aerial Imagery \$1,000 per user (3)	--	\$ 3,000.00
	<i>Generation &amp; maintenance of digitized maps &amp; aerial images, access to County's parcel &amp; street layers.</i>			
2895	<b>Rent/Lease Equipment (copier)</b>	\$425 per month	--	\$ 5,100.00
	<i>LAFCO implementing more digital circulation as cost savings.</i>			
2905	<b>Office/Hearing Chamber Rental</b>	Meeting Facility: \$405 per meeting (8 + 1 workshop)	--	\$ 60,669.00
		Amortization Payment: (no longer)	decrease of \$33K	
		Office Lease: \$4,752 monthly	--	
	<i>Use of Norton Conference Center for meetings and office lease.</i>			
2940	<b>Private Mileage</b>	ESRI Conference San Diego	--	\$ 3,596.45
		Employee travel, misc.: \$55	--	

## Attachment #4

## Services and Supplies Detail

Account		Charge Measurement	Increase/Decrease	Total
		CALAFCO Conf. Orange County	--	
		CALAFCO Staff Workshop (unknown location)	--	
		Commissioner So Cal participation, 4 trips: \$220	--	
		Commissioner Meetings (8 + 1 workshop)	--	
	<i>Commissioners and staff private auto mileage at the IRS rate, excluding the Executive Officer.</i>			
2941	Conference/Training	CALAFCO Staff Workshop (unknown): 1 staff (credit for 3)	--	\$ 5,490.00
		CALAFCO Conference Orange \$570 each (9)	--	
	<i>The CALAFCO Staff Workshop location is unknown. 4 staff attending with a credit for 3.</i>			
	<i>The CALAFCO Conference will be held in Orange, with 7 Commissioners and 2 staff budgeted.</i>			
2942	Hotel	CALAFCO/So Cal participation: \$200 per night (4)	--	\$ 12,350.00
		ESRI Conference San Diego: (2 staff)	--	
		CALAFCO Conf. Orange., \$250/night, 9 people, 3 nights	--	
		CALAFCO Staff Workshop (unknown), 4 staff	--	
	<i>Hotel charges for Commissioners and staff on LAFCO business.</i>			
2943	Meals	Staff travel: \$50	--	\$ 1,200.00
		ESRI Conference San Diego (2 staff)	--	
		CALAFCO Conference Orange \$350 for 9 people	--	
		CALAFCO Staff Workshop (unknown), 4 staff	--	
		So Cal participation - Staff: \$50/trip (2)	--	
		So Cal participation - Commissioner: \$50/trip (2)	--	
	<i>Meal charges for Commissioners and staff on LAFCO business. Per diem max \$50/day.</i>			
2945	Air Travel	CALAFCO participation: \$200/trip (4)		\$ 800.00
	<i>Airfare on Southwest Airlines for approved travel to Sacramento.</i>			
2946	Other Travel	CALAFCO participation: \$75/trip (4)		\$ 300.00
	<i>Miscellaneous travel charges such as parking and taxi charges.</i>			
5012	Transfer to County (Staples & Microsoft)	Staples supplies: \$300 per month	--	\$ 6,689.00
		Microsoft Licenses		
TOTAL SERVICES AND SUPPLIES				\$ 384,854.34



## Attachment #5

## Revenues Detail

Account		Charge Measurement	Rate Inc/Dec	Total
8500	<b>Interest</b>	County Interest Pool returns	Variable	\$ 10,000
	<i>LAFCO participates in the County's interest pool and is apportioned interest receipts quarterly.</i>			
8842	<b>Apportionment</b>		--	\$ 1,090,497
	<i>Govt Code §56381 requires that the net costs for LAFCO be apportioned equally to those seated on the Commission: the County, the 24 Cities, and the 51 Independent Special Districts within the County of San Bernardino. The proposed apportionment to the County, Cities, and Independent Special Districts is \$363,499 each. The County Auditor will be required to apportion this amount on July 1, 2022 pursuant to the requirements of law and Commission policies.</i>			
8545	<b>Individual Notice Deposit</b>	\$1,000 deposit	--	\$ 9,000
	<i>This account is for landowner and registered voter notification requirements. This \$1,000 deposit is applied to proposals and development-related service contract less refunds. Should a proposal require individual notice due to the extension of a special tax, then the proponent will be required to submit a deposit for the direct costs to produce and mail the individual notices.</i>			
9555	<b>Legal Services Deposit</b>	\$2,000 for proposals; \$700 for applicable service contracts	--	\$ 12,000
	<i>This account is for deposits for legal services which are calculated at \$2,000 for proposals and \$700 for service contracts requiring a hearing.</i>			
9595	<b>Protest Hearing Deposit</b>	\$1,500 each	--	\$ 3,000
	<i>The account is for deposits related to the processing of the protest hearing which are calculated at \$1,500 each. Should a proposal require individual notice due to the extension of a special tax, then the proponent will be required to submit a deposit for the direct costs to produce and mail the individual notices.</i>			
9655	<b>Digital Mapping Fee</b>	LAFCO Fee Schedule, based on acreage	--	\$ 2,735
	<i>This account is for receipt of revenue to recover the costs associated with the County's digital maps for sphere or boundary changes, maintenance and updates. The charge is based upon the acreage of each consideration area.</i>			
9660	<b>Environmental Deposit</b>	\$1,000 for proposals; \$750 for applicable service contracts	--	\$ 7,800
	<i>Deposits for environmental review processing are calculated at \$1,000 for proposals and \$750 for service contracts requiring a hearing.</i>			
9800	<b>LAFCO Fee</b>	LAFCO Fee Schedule, based on region and acreage	Increasing w/ CPI	\$ 71,044
	<i>Revenues in this account are based on anticipated activity and conservatively calculated at the median annexation filing fee for the activity identified above.</i>			
9560	<b>Indemnification Recovery</b>		--	\$ -
	<i>This is new account that will segregate legal cost recovery that was previously credited to Account 9555.</i>			
9910	<b>Prior Year Activity</b>		--	\$ -
	<i>This account refunds deposits submitted by applicants less costs incurred for activity which carry over from one year to another.</i>			
9930	<b>Miscellaneous Revenue</b>		--	\$ -
	<i>This account is for revenues received for duplication of CDs, DVDs, paper copies, and other miscellaneous receipts.</i>			
9970	<b>Carryover of Fund Balance</b>		--	\$ 53,144
	<i>Carryover of earned funds and unearned funds (proposals still being processed)</i>			
<b>TOTAL REVENUES</b>				\$ 1,259,220

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 11, 2022   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Senior Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #15: Third Quarter Financial Review for FY 2021-22

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## **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 Expenditure Account 2400 (Legal Counsel) by \$19,000 from \$76,272 to \$95,272 to increase appropriation related to unrecoverable legal costs.
  - b. Increase Revenue Account 9800 (LAFCO Fee) by \$19,000 from \$54,019 to \$73,019 to recognize revenues in excess of the budget.

## **SUMMARY:**

### **1. Budget Markers**

The third quarter of Fiscal Year 2021-22 has concluded and staff is presenting the Commission with its third financial report. This report includes a review of the financial activities and the presentation of a spreadsheet (see Attachment) showing the line item expenditures and receipts during the period. The table below shows that Total Expenditures are on-track with Third Quarter markers. For Revenues, Fees and Deposits are at 40%, below the 75% mark (however substantial revenues were received in April). The table below is a snapshot through the third quarter.

Expenditures		Revenues	
Salaries and Benefits	70%	Apportionment	100%
(below appropriations)		(met goal)	
Services and Supplies	71%	Fees and Deposits	40%
(below appropriations)		(below goal)	
<b>TOTAL</b>	<b>70%</b>	<b>TOTAL</b>	<b>93%</b>

## 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), nine were budgeted with ten received. Not shown on the table are two proposals received in April.

Activity	Budget	Through Mar	
		No.	% of Budget
Proposals	7	2	29%
Service Contracts - Commission approval	2	8	400%
Service Contracts - Admin (E.O.) approval	2	9	450%

## 3. Cash in Treasury

As of March 31, the Commission's cash in the County Treasury was \$725,497. A breakdown of this amount is shown below. At this time, staff projects ending the year with a small cash surplus.

<b>March 31, 2021 Balance</b>		<b>\$725,497</b>
<b>Cash Balance is composed of the following:</b>		
<b><i>Committed (constrained to specific purposes)</i></b>		
Compensated Absences (Account 6030)		152,095
Salary for Extra Pay Period: Year 1 of 10 (Account 6035)		3,000
<b><i>Assigned (intended for specific purposes)</i></b>		
Contingency (Account 6000)		25,000
General Reserve (Account 6025)		175,000
<b><i>Remaining Expenditures</i></b>		<b>349,741</b>
<b><i>Remaining Revenues (shown as negative)</i></b>		<b>(68,516)</b>
<b><i>Accounts Payable/(Receivable)</i></b>		<b>35,000</b>
<b><i>Amount to Balance FY 2022-23 Budget</i></b>		<b>50,644</b>
<b>Carryover (Deficit)</b>		<b>\$3,533</b>

## **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 third quarter, expenditures were at 70% 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) Third Quarter Activity*

The Salaries and Benefits series of accounts (1000 series) had expenditures of \$516,008, representing 70% 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) Third Quarter Activity*

The Services and Supplies series of accounts (2000 and 5000 series) had expenditures of \$337,520, or 71% of the Approved Budget authority.

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. Due to revenues received in April, there are adequate funds to cover these legal costs. However, the high costs have exceeded appropriation. This staff report recommends an increase to the Legal Counsel account (Account 2400) to provide additional appropriation to accommodate the payments. (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**

Prior Year Contingency and Reserve funds of \$311,243 from FY 2020-21 carried forward into FY 2021-22. 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).

This past quarter, LAFCO and IERCD staffs completed the following tasks:

- Task 1: Mapping, Regional Priority Plan, Urban Stakeholder Group
  - Worked with Ag Facilitator Consultant to formulate a new group of regional stakeholders who will co-create a vision for urban ag in the San Bernardino Valley.
  - Held a small farmer workshop: needs assessment and providing grant application assistance.
  - Reviewed existing agriculture policies in Rancho Cucamonga, Chino, and Loma Linda.
  - Continue to map Williamson Act contracts and story map.
- Task 2: Policy and Municipality Outreach
  - Connected with potential stakeholders.
  - Presented to Southern CA Associated Governments (SCAG) at its Joint Sustainable & Resilient Communities and Natural & Farm Lands Conservation Working Group.
  - Finalized service agreement for the Ag Facilitator Consultant.
- Task 3: Development of Agricultural Easement Program
  - Review process for mandatory and voluntary ag easements.
  - Continue to review example easement documents from the Farmland Information Center.

#### B. Service Reviews and Special Studies

In January 2022, LAFCO completed one service review: *Special Study for the Morongo Valley Community Services District*. Scheduled for June 2022 is the *Service Review for the Twentynine Palms Community* (at the request of the City of Twentynine Palms). This month, staff began work on the focused service review for the Big River Community Services District, which provides park and recreation services.

#### 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 Board Liability program to occur in the coming months.

#### D. New Website

The new website is now active, and the project was on-time and within budget.

#### E. Fiscal Indicators Program

Portions of the former website are incompatible with the new website platform, including the Fiscal indicators. Since the website is live, staff will assess the program's revival with the Commission.

### **4. Revenues**

The Commission has received 93% of Adopted Budget revenues through the third quarter. The items below outline the revenue activity:

- Interest (Account 8500) – \$4,567 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. 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 40% of its budgeted revenue (\$44,554). This amount is made up of a combination of application fees, service contract filing fees, and cost recovery. In April, two large proposals were received with revenues of roughly \$68,000.

## **CONCLUSION:**

Through the third quarter, expenditures are on track, 100% of the apportionment receipts were received, and proposal activity is less than anticipated. However, in April two large proposals were received with revenues of roughly \$68,000.

This staff report recommends an increase to the Legal Counsel Expenditure account (Account 2400) to provide additional appropriation to accommodate the litigation payments. An increase in kind to the LAFCO Fee Revenue Account (Account 9800) balances the budget. (See the Attachment for the line items in red font).

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)	AMENDED FY 21-22 (May 2022)	THRU Q2	JAN	FEB	MAR	TOTAL THRU Q3	PERCENT THRU Q3	ESTIMATED REMAINDER	ESTIMATED YEAR-END	YEAR-END PERCENT OF AMENDED
	<b>SALARIES AND BENEFITS</b>												
1010	Earnable Compensation	437,906	437,906	437,906	210,848	35,397.33	32,295.06	32,239.06	310,780	71%	109,477	420,256	96%
1030	Auto and Cell Phone Allowances	9,275	9,275	9,275	4,550	700.00	700.00	700.00	6,650	72%	2,319	8,969	97%
1035	Overtime								-		-	-	
1045	Termination Payment								-		-	-	
1110	General Member Retirement	175,386	175,386	175,386	84,277	14,179.58	12,932.86	12,913.26	124,303	71%	43,846	168,149	96%
1130	Survivors Benefits	143	143	143	47	7.28	7.28	7.28	69	48%	36	105	73%
1135	Retirement Subsidy (no longer active)								-		-	-	
1200	Medical Premium Subsidy	48,373	48,373	48,373	21,682	3,350.68	3,350.68	3,350.68	31,734	66%	12,093	43,827	91%
1205	Long-Term Disability	988	988	988	485	75.98	76.26	76.26	713	72%	247	960	97%
1207	Vision Care Insurance	613	613	613	310	47.92	47.92	47.92	454	74%	153	607	99%
1215	Dental Insurance Subsidy	1,003	1,003	1,003	369	56.76	56.76	56.76	539	54%	251	790	79%
1222	Short-Term Disability	4,873	4,873	4,873	2,426	380.34	381.64	381.64	3,570	73%	1,218	4,788	98%
1225	Medicare	5,074	5,074	5,074	2,439	424.17	379.19	378.37	3,621	71%	1,269	4,890	96%
1235	Workers' Compensation	-	-	-					-		-	-	
1240	Life Insurance & Medical Trust Fund	14,182	14,182	14,182	6,210	1,039.78	1,039.78	1,039.78	9,329	66%	3,546	12,875	91%
1305	Medical Reimbursement Plan	5,212	5,212	5,212	1,234	190.76	190.76	190.76	1,806	35%	1,303	3,109	60%
1310	Annuitant Employee Medical (no longer active)								-		-	-	
1314	457/401a Contribution	3,009	3,009	3,009	1,460	226.48	227.32	227.04	2,141	71%	752	2,893	96%
1315	401k Contribution	31,082	31,082	31,082	13,840	2,153.08	2,153.08	2,153.08	20,299	65%	7,771	28,070	90%
	<b>TOTAL SALARIES &amp; BENEFITS</b>	<b>\$ 737,120</b>	<b>\$ 737,120</b>	<b>\$ 737,120</b>	<b>\$ 350,177</b>	<b>\$ 58,230.14</b>	<b>\$ 53,838.59</b>	<b>\$ 53,761.89</b>	<b>\$ 516,008</b>	<b>70%</b>	<b>\$ 184,280</b>	<b>\$ 700,288</b>	<b>95%</b>
	<b>SERVICES AND SUPPLIES</b>												
2031	Payroll System Services (County IT)	707	707	707	299	81.60	54.40	54.40	490	69%	177	666	94%
2032	Virtual Private Network (County IT)	158	158	158	66	13.20	13.20	13.20	106	67%	40	145	92%
2033	Network Labor Services (County IT)	-	-	-					-		-	-	
2037	Dial Tone (County IT)	2,381	2,381	2,381	1,275	255.06	255.06	255.06	2,040	86%	595	2,636	111%
2041	Data Line	8,400	8,400	8,400	4,092	1,349.08	674.54	717.41	6,833	81%	2,100	8,933	106%
2043	Electronic Equipment Maintenance (County IT)	-	-	-					-		-	-	
2075	Membership Dues	12,242	12,242	12,242	12,316				12,316	101%	3,061	15,377	126%
2076	Tuition Reimbursement	2,000	2,000	2,000	999				999	50%	500	1,499	75%
2080	Publications	3,180	3,180	3,180	1,327	807.03		269.01	2,404	76%	795	3,198	101%
2085	Legal Notices	18,000	18,000	18,000	2,255	1,424.60	646.80	726.00	5,052	28%	4,500	9,552	53%
2090	Building Expense	7,260	7,260	7,260	3,630	835.00	490.00	862.00	5,817	80%	1,815	7,632	105%
2115	Software	17,283	17,283	17,283	1,948				1,948	11%	4,321	6,269	36%
2135	Utilities	-	-	-					-		-	-	
2180	Electricity	6,000	6,000	6,000	2,031	835.45	468.87	457.51	3,793	63%	1,500	5,293	88%
2245	Other Insurance	18,340	18,340	18,340	12,637				12,637	69%	4,585	17,222	94%
2305	General Office Expense	2,564	2,564	2,564	1,067	157.00	106.62	278.44	1,609	63%	641	2,250	88%
2308	Credit Card Clearing Account	-	-	-	(378)	(1,002.80)	-	-	(1,381)		-	(1,381)	
2310	Postage - Direct Charge	5,316	5,316	5,316	1,882	769.60	870.46	982.12	4,504	85%	1,329	5,833	110%
2315	Records Storage	772	772	772	386	64.37	64.37	64.37	579	75%	193	772	100%
2322	Enterprise Printing (County IT)	86	86	86	43	7.14	7.56	8.19	66	77%	21	87	102%
2323	Reproduction Services	500	500	500				174.00	174	35%	125	299	60%
2335	Temporary Services	5,400	5,400	5,400	240				240	4%	1,350	1,590	29%
2400	Legal Counsel	34,200	76,272	95,272	69,622	4,896.71	8,439.23	8,093.35	91,051	96%	43,818	134,869	142%
2405	Auditing	11,500	11,500	11,500	2,320			8,300.00	10,620	92%	2,875	13,495	117%
2410	IT Infrastructure (County IT)	586	586	586	3,336	556.00	556.00	556.00	5,004	854%	147	5,151	879%
2415	Countywide Cost Allocation Program (COWCAP)	14,049	14,049	14,049	1,727		863.50		2,591	18%	3,512	6,103	43%
2416	Enterprise Printing (County IT)	31	31	31	3				3	10%	8	11	35%



## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ADOPTED FY 21-22 (May 2021)	AMENDED FY 21-22 (Dec 2021)	AMENDED FY 21-22 (May 2022)	THRU Q2	JAN	FEB	MAR	TOTAL THRU Q3	PERCENT THRU Q3	ESTIMATED REMAINDER	ESTIMATED YEAR-END	YEAR-END PERCENT OF AMENDED
2417	Enterprise Content Management (County IT)	1,884	1,884	1,884	924	154.00	154.00	154.00	1,386	74%	471	1,857	99%
2418	Data Storage Services (County IT)	4,836	4,836	4,836	2,058	343.00	343.00	343.00	3,087	64%	1,209	4,296	89%
2420	Wireless Device Access (County IT)	211	211	211	88	17.59	17.59	17.59	141	67%	53	193	92%
2421	Desktop Support Services (County IT)	9,623	9,623	9,623	5,346	1,069.20	1,069.20	1,069.20	8,554	89%	2,406	10,959	114%
2424	Environmental Consultant	10,600	10,600	10,600	5,045	2,435.00	100.00	5,982.50	13,563	128%	2,650	16,213	153%
2444	Security Services	492	492	492	246				369	75%	123	492	100%
2445	Other Professional Services	78,068	78,068	78,068	14,314	6,517.09	7,921.61	7,004.27	35,757	46%	19,517	55,274	71%
2449	Outside Legal (Litigation & Special Counsel)	-							-		-	-	
2450	Application Development and Enhancements				5,823				5,823		-	5,823	
2460	Aerial Imagery (County IT)	14,500	14,500	14,500					-		3,625	3,625	25%
2895	Rent/Lease Equipment (copier)	5,100	5,100	5,100	2,148	842.05	437.62	449.43	3,877	76%	1,275	5,152	101%
2905	Office/Hearing Chamber Rental	98,258	98,258	98,258	47,012	23,506.23		20,782.05	91,301	93%	500	91,801	93%
2940	Private Mileage	2,192	2,192	2,192		304.55		320.92	625	29%	548	1,174	54%
2941	Conference/Training	4,710	4,710	4,710					-	0%	1,178	1,178	25%
2942	Hotel	6,710	6,710	6,710					-	0%	1,678	1,678	25%
2943	Meals	1,000	1,000	1,000					-	0%	250	250	25%
2945	Air Travel	400	400	400					-	0%	100	100	25%
2946	Other Travel	150	150	150					-	0%	38	38	25%
5012	Trust Transfer to County (Staples & Microsoft)	6,689	6,689	6,689	3,329			214.26	3,543	53%	1,672	5,215	78%
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>\$ 416,379</b>	<b>\$ 458,451</b>	<b>\$ 477,451</b>	<b>\$ 209,457</b>	<b>\$ 46,237.75</b>	<b>\$ 23,553.63</b>	<b>\$ 58,271.28</b>	<b>\$ 337,520</b>	<b>71%</b>	<b>\$ 115,298</b>	<b>\$ 452,818</b>	<b>95%</b>
<b>TOTAL EXPENDITURES</b>		<b>\$ 1,153,499</b>	<b>\$ 1,195,571</b>	<b>\$ 1,214,571</b>	<b>\$ 559,635</b>	<b>\$ 104,467.89</b>	<b>\$ 77,392.22</b>	<b>\$ 112,033.17</b>	<b>\$ 853,528</b>	<b>70%</b>	<b>\$ 299,578</b>	<b>\$ 1,153,106</b>	<b>95%</b>
<b>TRUST TRANSFERS</b>													
9990	SBCERA Additional Payment	50,163	50,163	50,163							50,163	50,163	
<b>TOTAL TRUST TRANSFERS</b>		<b>\$ 50,163</b>	<b>\$ 50,163</b>	<b>\$ 50,163</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ 50,163</b>	<b>\$ 50,163</b>	<b>100%</b>
<b>TOTAL APPROPRIATION</b>		<b>\$ 1,203,662</b>	<b>\$ 1,245,734</b>	<b>\$ 1,264,734</b>	<b>\$ 559,635</b>	<b>\$ 104,467.89</b>	<b>\$ 77,392.22</b>	<b>\$ 112,033.17</b>	<b>\$ 853,528</b>	<b>67%</b>	<b>\$ 349,741</b>	<b>\$ 1,203,269</b>	<b>95%</b>

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	INCREASES (DECREASES) FY 19-20	INCREASES (DECREASES) FY 20-21	ADOPTED Increases FY 21-22	TOTAL
	<b>RESERVES (Increases)</b>				
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
<b>TOTAL RESERVES (Increases)</b>		<b>\$ 12,769</b>	<b>\$ 32,477</b>	<b>\$ 43,852</b>	<b>\$ 355,095</b>

## Attachment #1

## Budget Spreadsheets

ACCT #	ACCOUNT NAME	ADOPTED FY 21-22 (May 2021)	AMENDED FY 21-22 (Dec 2021)	AMENDED FY 21-22 (May 2022)	THRU Q2	JAN	FEB	MAR	TOTAL THRU Q3	PERCENT THRU Q3	ESTIMATED REMAINDER	ESTIMATED YEAR-END	YEAR-END PERCENT OF AMENDED
	Use of Money:												
8500	Interest	11,000	11,000	11,000	2,822	1,745.74			4,567	42%	1,721	6,288	57%
	Mandatory Contribution from Governments:												
8842	Apportionment	1,090,497	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	9,000	6,000	2,000.00	1,000.00		9,000	100%	4,000	13,000	144%
9555	Legal Services Deposit	15,000	15,000	15,000	5,500	1,400.00	700.00		7,600	51%	6,700	14,300	95%
9595	Protest Hearing Deposit	4,500	4,500	4,500					-	0%	1,500	1,500	33%
9655	Digital Mapping Fee	595	595	595					-	0%	740	740	124%
9660	Environmental Deposit	8,400	8,400	8,400	4,500	(200.86)	700.00	15.47	5,015	60%	3,575	8,590	102%
9800	LAFCO Fee	54,019	54,019	73,019	17,459	2,720.00	1,640.00	1,120.00	22,939	31%	50,280	73,219	100%
	Total Fees and Deposits	91,514	91,514	110,514	33,459	5,919.14	4,040.00	1,135.47	44,554	40%	66,795	111,349	101%
	OTHER REVENUES												
9560	Indemnification Recovery												
9910	Prior Year Activity (refunds, collections)					(15,421.36)			(15,421)				
9930	Miscellaneous				1,242			720.00	1,962			1,962	
9970	Carryover of Fund Balance	54,503	96,575	96,575	96,575				96,575	100%		96,575	100%
9973	Stale-dated Checks								-				
	TOTAL OTHER REVENUES	54,503	96,575	96,575	97,817	(15,421.36)	-	720.00	83,116	86%	-	98,537	102%
	TOTAL REVENUES	\$ 1,247,514	\$ 1,289,586	\$ 1,308,586	\$ 1,224,595	\$ (7,756.48)	\$ 4,040.00	\$ 1,855.47	\$ 1,222,734	93%	\$ 68,516	\$ 1,306,671	100%

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: MAY 11, 2022   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #17: EXECUTIVE OFFICER'S REPORT

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## 1. MEETING SCHEDULE

- a. **June** – The June 15 meeting will include, among other items, the Service Review for the Twentynine Palms Community.
- b. **July** – Staff is proposing to cancel the scheduled July meeting in anticipation of having the Commission's Strategic Planning Workshop in August.
- c. **August** – The meeting in August is scheduled for August 17. Staff is currently working on securing a facilitator for the workshop and finding a workshop venue for this meeting date. Staff will let the Commission know as soon as this meeting date is finalized.

## 2. NEW WEBSITE

The brand new San Bernardino LAFCO website is now up and running. The new website also has a new Mapping Portal. The transition took place on Tuesday, May 3. Staff will continue to make minor adjustments to the new website in the coming weeks.

## 3. STAFF VISIT TO THE BARSTOW CEMETERY

At the March meeting during public comment, Dr. Denise Meek representing "Save the Barstow Cemetery" provided comments regarding the Barstow Cemetery Landscape Conversion project. In response, Commissioner Baca requested staff to review and provide an update as he concurs with Dr. Meek's concerns.

On May 3, staff conducted a site visit to the cemetery. The District General Manager, Melinda Johnson, provided staff a tour of the grounds and identified the progress to date as well as next steps.

The District will be providing LAFCO staff with additional information and staff has some follow-up questions for the District. Once all that information has been compiled, staff will then provide the Commission with a more comprehensive staff report related to the Barstow Cemetery Landscape Conversion project at a later date.

#### **4. CALAFCO**

**Save the Date** – the 2022 CALAFCO Annual Conference is from October 19 to 21 in Newport Beach.