

# **AGENDA**

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

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

### **REGULAR MEETING OF MAY 15, 2024**

#### **9:00 A.M. – CALL TO ORDER – FLAG SALUTE**

1. Swear in Regular City and Special District Commissioners
2. Reappointment of Alternate Public Member
3. Selection of Chair & Vice Chair

#### **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.

#### **4. PUBLIC COMMENTS ON CLOSED SESSION**

#### **5. CONVENE CLOSED SESSION**

Conference Room Adjacent to Event Center Auditorium

A. Conference with Legal Counsel - Significant Exposure to Litigation (Government Code Section 54956.9(d)(2) – 1 Potential Case

B. Conference with Real Property Negotiators (Government Code Section 54956.8)

Property: Norton Regional Event Center, 1601 E. 3<sup>rd</sup> Street, San Bernardino

Agency Negotiator: Samuel Martinez, LAFCO Executive Officer

Negotiating Party: Inland Valley Development Agency

Under Negotiation: Price and Terms of Lease

#### **6. RECONVENE PUBLIC SESSION**

#### **7. Comments from the Public**

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

#### **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.

8. Approval of Minutes for Regular Meeting of April 17, 2024
9. Approval of Executive Officer's Expense Report
10. Ratify Payments as Reconciled and Note Cash Receipts for the Month of March 2024
11. Review and Approve Amendment No. 1 to the Agreement for Services with Rebecca Lowery
12. Consent Items Deferred for Discussion

**PUBLIC HEARING ITEMS:**

13. Consideration of: (1) Review of Mitigated Negative Declaration prepared by the County of San Bernardino for a Conditional Use Permit to construct a truck terminal with a 28,680 sq. ft. cargo terminal (two phases: Phase I - 9,360 sq. ft. cargo terminal with a truck vehicle repair shop and Phase II - 19,320 sq. ft. cargo terminal) on two parcels for a total of approximately 9.2 acres as CEQA Responsible Agency for LAFCO SC#523; and (2) LAFCO SC#523 – City of San Bernardino Irrevocable Agreement to Annex No. 2022-368 for Sewer Service (APNs 0262-021-09 & 0267-021-13)
14. Consideration of: (1) CEQA Exemption for LAFCO SC#524; and (2) LAFCO SC#524 – City of San Bernardino Irrevocable Agreement to Annex No. 2024-375 for Sewer Service (APN 0265-221-23)
15. Review and Adoption of Amendments to LAFCO Policy and Procedure Manual
16. 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, 2024
17. Review and Adoption of Final Budget for Fiscal Year 2024/25 including the Apportionment for Independent Special Districts, Cities and County

**DISCUSSION ITEMS:**

18. Update on the Barstow Cemetery District

**INFORMATION ITEMS:**

19. Legislative Update Report
20. Executive Officer's Report
21. 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.)



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 or with limited English proficiency 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 or language interpretation accommodations, including auxiliary aids or services, to participate in the public meeting. Later requests will be accommodated to the extent feasible.

1/1/24: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

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**DATE:** MAY 8, 2024  
**FROM:** SAMUEL MARTINEZ, Executive Officer   
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #2 – REAPPOINTMENT OF ALTERNATE PUBLIC  
MEMBER OF THE COMMISSION**

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The term of office for the Alternate Public Member of the Commission expires on the first Monday in May 2024. Pursuant to Commission policy, staff published a 30-day period notice (from March 27 to May 1, 2024) for interested persons to apply for the position of Alternate Public Member of the Commission.

During that period, only one application was received for the position, by incumbent Jim Harvey, 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 Alternate Public Member will serve a new four-year term expiring in May 2028.

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

Attachment

# JIM HARVEY

*Letter of Application and Brief Resume*

*For*

*San Bernardino County Local Agency Formation Commission  
(LAFCO)*

*Alternate Public Member Opening*

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*March 28, 2024*



JIM HARVEY  
50220 Saddle Rock Way  
Johnson Valley, CA 92285  
760-401-1015  
johnsonvalley@gmail.com

SAMUEL MARTINEZ, Executive Officer  
Local Agency Formation Commission  
1170 West Third Street, Unit 150  
San Bernardino, CA 92415-0490  
Telephone (909) 388-0480

March 28, 2024

Dear Executive Officer Samuel Martinez

Thank you for the opportunity to submit this letter of application for the position of Alternate Public Member to the Local Agency Formation Commission (LAFCO) for San Bernardino County, to fill the May 2024 to May 2028 term.

I am a long-time resident of San Bernardino County, having moved to the high desert community of Johnson Valley with my wife in 2001. I have a strong sense of community service, currently serving positions on several boards and councils as both elected and appointed, including serving as the current San Bernardino County LAFCO Alternate Public Member.

I understand the important role LAFCO plays in overseeing orderly expansion of local agencies. As chairperson to the Homestead Valley Community Council I have had the honor of providing written and oral testimony in several past LAFCO SOI considerations relevant to my community. I also understand and support the mission and vision of the San Bernardino County LAFCO and appreciate the priority LAFCO places on available agency services when considering requests for sphere of influence and jurisdictional revisions.

I have attached a brief resume of qualifications as requested in the Notice of Vacancy. Please feel free to contact me for further clarification if necessary. Thank you for your consideration.



Jim Harvey  
50220 Saddle Rock Way  
Johnson Valley, CA 92285  
760-401-1015  
johnsonvalley@gmail.com

# RESUME

## JIM HARVEY

### COMMUNITY SERVICE

#### Recognition

##### **Awarded "Citizen of the Year"**

December 2021 by San Bernardino County Sheriff's Dept Morongo Basin Substation.

##### **Rotary Club Of Yucca Valley 2015 "Person of the Year"**

**"Man Of The People"** 2008 San Bernardino Sun front page article

#### Elected

##### ***Lucerne Valley Unified School District Board of Trustees:***

##### **2010 to present**

Served as Board President 2012 to 2019. Ran unopposed in 2014, 2018, and 2022 elections. Small School Districts Association (SSDA) School Board Governance trainer/workshop presenter. Currently serving 4<sup>th</sup> term.

#### Appointed

##### ***San Bernardino County Local Agency Formation Commission (LAFCO)***

##### ***Alternate Public Member***

Appointed by the Commission June 2022 to April 2024

##### ***Homestead Valley Community Council - 2008 to present***

Served as President from 2009 to 2013, and again 2019 to present. Currently serving, representing Johnson Valley.

##### ***Morongo Basin Municipal Advisory Council to Third District Supervisor Dawn***

##### ***Rowe - 2019 to 2021***

One of nine appointees, representing Johnson Valley. MAC was dissolved in 2021 after re-districting.

(Continued)

## **EMPLOYMENT**

***I Candy Website & Graphic Design:***

**Owner 2000 to present**

Voted *Best of the Best* Website Design Firm in Hi Desert Star readers' poll 13 years in a row.

## **MEMBER**

***Yucca Valley Chamber of Commerce***

**2010 to present**

***Lucerne Valley Chamber of Commerce***

**2010 to present**

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**DATE :** MAY 8, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #3 – 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, per the recent amendment to its policy adopted last April by the Commission, 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 Warren and Vice-Chair Farrell are completing their first 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.**

**APRIL 17, 2024**

**PRESENT:**

**COMMISSIONERS:**

**Regular Member**

Joe Baca, Jr.  
Jim Bagley  
Kimberly Cox  
Phil Dupper  
Steven Farrell, Vice Chair  
Acquanetta Warren, Chair

**Alternate Member**

Rick Denison  
Jim Harvey  
Kevin Kenley

**STAFF:**

Samuel Martinez, Executive Officer  
Paula de Sousa, Legal Counsel  
Michael Tuerpe, Assistant Executive Officer  
Arturo Pastor, Analyst  
Angela Schell, Commission Clerk  
Tom Dodson, Environmental Consultant

**ABSENT:**

**COMMISSIONERS:**

**Regular Member**

Curt Hagman

**Alternate Member**

Jesse Armendarez

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –  
9:02 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

*Prior to roll call, Commission Clerk announces that the Commission has a new Alternate County Member, Supervisor Jesse Armendarez, who will be attending at a future meeting.*

**ANNOUNCEMENT OF CONTRIBUTIONS**

**1. PUBLIC COMMENTS ON CLOSED SESSION**

*There are none.*

**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 announcements of the matters to be discussed in closed session, as follows:*

- A. Conference with Legal Counsel – Significant Exposure to Litigation (Government Code Section 54956.9(d)(2) – 1 Potential Case
- B. Conference with Real Property Negotiators (Government Code Section 54956.8)  
Property: Norton Regional Event Center, 1601 E. 3<sup>rd</sup> Street, San Bernardino,  
Agency Negotiator: Samuel Martinez, LAFCO Executive Officer  
Negotiating Party: Inland Valley Development Agency  
Under Negotiation: Price and Terms of Lease

*Chair Warren arrives at 9:07 a.m. and joins the Commission for Closed Session.*

### **3. RECONVENE CLOSED SESSION**

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

### **4. Comments from the Public**

*There are none.*

### **CONSENT ITEMS:**

### **5. Approval of Minutes for Regular Meeting of February 21, 2024**

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

Recommendation: Approve the Executive Officer's Expense for Procurement Card Purchases from January 23, 2024 to February 22, 2024 and February 23, 2024 to March 22, 2024.

### **7. Ratify Payments as Reconciled for the Months of January and February 2024 and Note Revenue Receipts**

Recommendation: Ratify payments as reconciled for the months of January and February 2024 and note revenue receipts for the same period.

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

*Commissioner Dupper moves the approval of the Consent Items. Second by Commissioner Baca. The motion passes with the following roll call vote:*

Ayes: Baca, Bagley, Cox, Dupper, Farrell, and Warren.  
Noes: None.  
Abstain: None.  
Absent: Hagman.

**PUBLIC HEARING ITEMS:**

**9. Review and Accept Audit Report for Fiscal Year Ended June 30, 2023**

Recommendation: Staff recommends that the Commission receive and file the materials submitted by Davis Farr, LLP related to the Commission's audit for Fiscal Year 2022/23.

*Presenter from Davis Farr, LLP: Jonathan Foster, Partner*

*Chair Warren states the item is to receive and file.*

**10. LAFCO SC#521 – Authorization for the Running Springs Water District to Provide Ground Ambulance Services Outside its Boundary and Outside its Sphere of influence Pursuant to Government Code Section 56133.5**

Recommendation: Staff recommends that the Commission take the following actions related to LAFCO SC#521:

1. For environmental review, certify that LAFCO SC#521 is exempt from environmental review and direct the Executive Officer to file the Notice of Exemption within five (5) days.
2. Approve LAFCO SC#521 authorizing the Running Springs Water District to provide ground ambulance service outside its boundary and sphere of influence within the areas identified in Attachment #1.
3. Adopt LAFCO Resolution No. 3400 setting forth the Commission's determinations for service outside the Running Springs Water District boundary and sphere of influence pursuant to Government Code Section 56133.5.

*Commissioner Baca moves to approve staff recommendations. Second by Commissioner Farrell. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Cox, Dupper, Farrell, and Warren.*

*Noes: None.*

*Abstain: None.*

*Absent: Hagman.*

**11. Third Quarter Financial Review for FY 2023/24**

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

1. Note receipt of this report and file.
2. Direct the Executive Officer to issue payment to SBCERA for \$52,500 as a credit towards paying down LAFCO's share of the Unfunded Actuarial Liability.

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

*Ayes: Baca, Bagley, Cox, Dupper, Farrell, and Warren.  
Noes: None.  
Abstain: None.  
Absent: Hagman.*

**12. Review and Consideration of Amendments to Policy and Procedure Manual Section III – Human Resources to Reflect the County Approved (Non-Substantive) Amendments Related to its Exempt Group**

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

1. Provide staff with any additional changes, corrections or amendments to the Human Resources Section of the Policy and Procedure Manual as presented.
2. Schedule a public hearing for May 15, 2024 for formal approval of the amendments to the Human Resources Section of the Policy and Procedure Manual.

*Commissioner Baca moves to approve staff recommendations. Second by Commissioner Dupper. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Cox, Dupper, Farrell, and Warren.  
Noes: None.  
Abstain: None.  
Absent: Hagman.*

**13. Preliminary Budget Review for Fiscal Year 2024/25:**

**a. Proposed Schedule of Fees, Deposits, and Charges for Fiscal Year 2024/25**

Recommendation: Staff recommends that the Commission take the following actions related to the Proposed Schedule of Fees, Deposits and Charges for Fiscal Year 2024/25:

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 2024/25 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 15, 2024 hearing.

*Commissioner Baca moves to approve staff recommendations. Second by Commissioner Dupper. The motion passes with the following roll call vote:*

Ayes: Baca, Bagley, Cox, Dupper, Farrell, and Warren.  
Noes: None.  
Abstain: None.  
Absent: Hagman.

**b. Proposed Budget and Work Plan for FY 2024/25**

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

1. Adopt the Proposed Budget and Work Plan for FY 2024/25 as presented by staff.
2. Direct staff to forward the adopted Proposed Budget, as may be modified at this hearing, to all independent special districts, cities/towns, and the County for their comment pursuant to Government Code Section 56381.
3. Schedule a public hearing for May 15, 2024 for formal:
  - a. Approval of the amendments to the Policy and Procedure Manual for Salaries and Benefits and Reserves;
  - b. Authorization for the Executive Officer to sign Amendment #1 to the Contract with Rebecca Lowery for staff support; and,
  - c. Adoption of the Final Budget for FY 2024/25.

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

Ayes: Baca, Bagley, Cox, Dupper, Farrell, and Warren.  
Noes: None.  
Abstain: None.  
Absent: Hagman.

**DISCUSSION ITEM:**

*Commissioner Cox leaves the dais at 9:45 a.m.*

**14. Legislative Update Report**

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

1. Receive and file the Legislative Report;
2. Indicate its support for AB 3277 (Carrillo), which streamlines the property tax exchange process for formation of a district;

3. Indicate its support for SB 1209 (Cortese) which seeks to add indemnification provisions in CHK; and,
4. Provide direction to staff on legislation of interest or future actions, if any, and authorize the Chair to sign the letters identifying these positions and direct staff to forward said letters to the appropriate recipients.

*Commissioner Baca moves to approve staff recommendations. Second by Commissioner Farrell. The motion passes with the following roll call vote:*

*Ayes: Baca, Bagley, Dupper, Farrell, Kenley, and Warren.*

*Noes: None.*

*Abstain: None.*

*Absent: Cox (Kenley voting in her stead) and Hagman.*

### **INFORMATION ITEMS:**

#### **15. Executive Officer's Report**

Executive Officer Samuel Martinez states he has no staff report and reminds the Commission of the May 15 meeting. He concludes his EO report, stating that at the end of the month, LAFCO staff will be attending the CALAFCO Staff Workshop in Pleasanton.

#### **16. Commissioner Comments**

There are none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:07 A.M.**

**ATTEST:**

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

LOCAL AGENCY FORMATION COMMISSION

\_\_\_\_\_  
ACQUANETTA WARREN, Chair

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE :** MAY 6, 2024

**FROM:** SAMUEL MARTINEZ, Executive Officer

**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #9 – APPROVAL OF EXECUTIVE OFFICER'S  
EXPENSE REPORT**

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## **RECOMMENDATION:**

Approve the Executive Officer's Expense Report for Procurement Card Purchases from March 23, 2024 to April 22, 2024.

## **BACKGROUND INFORMATION:**

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

- March 23, 2024 to April 22, 2024

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

SM/AS

Attachment



## PROCUREMENT CARD PROGRAM

## ATTACHMENT G

## MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX INCL
03/29/24	SurveyMonkey	1	Computer Software	Monthly Subscription	8900005012	52002115	\$468.00			
04/12/24	Zoom	2	Video Conferencing	Monthly Subscription	8900005012	52002305	\$16.15			
04/13/24	Dell	3	Office Expense	Lap Top Backpack	8900005012	52002305	\$70.68			
04/18/24	Panera Bread	4	Office Expense	Commission Meeting	8900005012	52002305	\$52.97			
04/17/24	Noted Technology	5	Computer Software	Annual Subscription	8900005012	52002115	\$501.95			

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	05/06/24

Approving Official (Print & Sign)	Date
Acquanetta Warren	05/15/24

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DATE : MAY 8, 2024  
FROM: SAMUEL MARTINEZ, Executive Officer   
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: AGENDA ITEM #10 - RATIFY PAYMENTS AS RECONCILED FOR  
THE MONTH OF MARCH 2024 AND NOTE REVENUE RECEIPTS

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## **RECOMMENDATION:**

Ratify payments as reconciled for the month of March 2024 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:

- March 1 through March 31, 2024



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

SM/MT

Attachment




MARCH 2024 PAYMENTS PROCESSED						
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount
1901726468	52002085	03/06/24	SB County Sun	B3776629	Notice of Hearing SB County Sun	\$ 1,593.90
1901728442	52002090	03/08/24	Jan Pro	96721	Fee for Janitorial Service Month of March 2024	\$ 588.00
1901732602	52002180	03/14/24	So Cal Edison	6433-3-11-24	Electricity	\$ 595.48
1901726462	52002315	03/06/24	Vital Records Control	4078926LAX1	Acct 13023423 Storage Summary \$116.22	\$ 116.22
1901735524	52002400	03/19/24	Best Best Krieger	989627	Legal Counsel	\$ 4,009.04
1901688027	52002405	03/12/24	SBCERA	LAFCO 23 GASB 68	Employer ID 8 GASB 68 Compliance Cost	\$ 2,391.43
1901688031	52002405	03/12/24	SBCERA	LAFCO 20 GASB 68	Employer ID 011 GASB 68 Compliance Cost	\$ 1,960.00
1901688035	52002405	03/12/24	SBCERA	LAFCO 22 GASB 68	Employer ID 011 GASB 68 Compliance Cost	\$ 2,355.71
1901732605	52002445	03/14/24	Rebecca Lowery	16	February 16 - February 29 2024	\$ 137.50
1901732613	52002445	03/14/24	Rebecca Lowery	17	March 1 - March 15, 2024	\$ 300.00
1901705196	52002449	03/05/24	Coluntuano, Highsmith, et al	58505	In reference to: Lake Arrowhead CSD Annexation	\$ 162.50
1901728439	52002895	03/08/24	Konica Minolta	44268657	Inv 44268657	\$ 113.47
1901728439	52002895	03/08/24	Konica Minolta	44268657	Inv 44268657	\$ 365.38
1901728440	52002905	03/08/24	City Comm	UNIT: 150	Proportional payment	\$ 997.92
1901728440	52002905	03/08/24	City Comm	UNIT: 150	City Comm Lease Payment 2/27/24	\$ 1,095.84
1901728440	52002905	03/08/24	City Comm	UNIT: 150	City Comm Lease Payment 2/27/24	\$ 1,063.92
1901728440	52002905	03/08/24	City Comm	UNIT: 150	City Comm Lease Payment 2/27/24	\$ 1,032.96
1901728440	52002905	03/08/24	City Comm	UNIT: 150	City Comm Lease Payment 2/27/24	\$ 575.58
<b>TOTAL</b>						<b>\$ 19,454.85</b>
MARCH 2024 COUNTY TRANSFERS PROCESSED						
4103315364	52002031	03/01/24	IT		FEB 2024 Payroll System Services (EMACS)	\$ 55.92
4103315365	52002032	03/01/24	IT		FEB 2024 Virtual Private Network (VPN)	\$ 19.92
4103315366	52002037	03/01/24	IT		FEB 2024 Dial Tone	\$ 249.84
4103315386	52002305	03/25/24	Purchasing		7629070720000001	\$ 23.52
4103315367	52002420	03/01/24	IT		FEB 2024 Wireless Device (Exchange Active Sync)	\$ 32.28
4103315367	52002420	03/01/24	IT		FEB 2024 File Sharing Storage	\$ 100.18
4103315367	52002420	03/01/24	IT		FEB 2024 Enterprise Content Management	\$ 115.00
4103315367	52002420	03/01/24	IT		FEB 2024 Data Storage and Backup	\$ 100.76
4103315368	52002421	03/01/24	IT		FEB 2024 Desktop Support Services	\$ 684.39
4103314805	52412410	03/01/24	IT		IT Infrastructure - Period 9	\$ 711.00
4103315386	55405012	03/25/24	Purchasing		7629070720000001	\$ 195.99
4200130070	52002424	03/05/24	Clerk to the Board		NOE - LAFCO SC#502	\$ 50.00
4200130071	52002424	03/05/24	Clerk to the Board		NOD - LAFCO SC#518	\$ 50.00
4200130072	52002424	03/05/24	Clerk to the Board		NOE - LAFCO SC#519	\$ 50.00
4200130074	52002424	03/05/24	Clerk to the Board		NOE - LAFCO SC#520	\$ 50.00
4200130076	52002424	03/05/24	Clerk to the Board		NOE - LAFCO 3263	\$ 50.00
4200130128	52002424	03/05/24	Clerk to the Board		NOE - LAFCO 3264	\$ 50.00
4200130129	2002424	03/05/24	Clerk to the Board		NOE - LAFCO 3265	\$ 50.00
4200130897	2002310	03/18/24	Mail		Mail Services - DEL	\$ 213.36
4200130898	52002310	03/18/24	Mail		Mail Services - FLAT	\$ 98.14
4200131563	52002310	03/18/24	Mail		Mail Services - FLAT	\$ (98.14)
4200131539	52002310	03/29/24	Mail		Mail Services - FLAT	\$ 46.34
4200131546	52002310	03/29/24	Mail		Mail Services - HAN	\$ 187.67
<b>TOTAL</b>						<b>\$ 3,086.17</b>

MARCH 2024 CASH RECEIPTS							
4103305587	various	03/07/24	Running Springs Water District	Service Contract No. 521		\$	4,168.00
<b>TOTAL</b>						\$	<b>4,168.00</b>
MARCH 2024 COUNTY TRANSFERRED RECEIVED							
			NONE				
<b>TOTAL</b>						\$	-
COMPLETED BY: MICHAEL TUERPE				APPROVED BY: SAMUEL MARTINEZ			
Assistant Executive Officer				Executive Officer			
Date: 5/7/2024			5/7/2024				

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** MAY 8, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** Agenda Item #11: Review and Approve Amendment No. 1 to the Agreement for Services with Rebecca Lowery

---

## **RECOMMENDATION:**

Staff recommends that the Commission approve Amendment No. 1 to the Agreement for Services between LAFCO and Rebecca Lowery and authorize the Executive Officer to sign.

## **BACKGROUND:**

In May 2023, the Commission approved the agreement with Rebecca Lowery for professional services for administrative and clerical projects. The term of the agreement is for one year and continues on a month-to-month basis.

Amendment No. 1 increases her base compensation annually beginning July 1, 2024. Her compensation is \$25.00 per hour and the annual escalator being added to the agreement will be based on CPI<sup>1</sup> not to exceed five percent.

## **CONCLUSION:**

Staff is recommending that the Commission approve Amendment No. 1 to the agreement for services with Rebecca Lowery and authorize the Executive Officer to sign said Amendment No. 1. LAFCO staff will be happy to answer any questions on this item prior to or at the hearing.

Attachment: Amendment No. 1 to the Agreement for Services between LAFCO and Rebecca Lowery

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<sup>1</sup> Annual (12-month percent change) CPI for All Urban Consumers for the Riverside-San Bernardino-Ontario area.

**AMENDMENT # 1**  
**AGREEMENT FOR SERVICES BETWEEN**  
**LOCAL AGENCY FORMATION COMMISSION**  
**FOR SAN BERNARDINO COUNTY**  
**AND**  
**REBECCA LOWERY**

This Amendment #1 is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2024 by and between the LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY (hereinafter referred to as "LAFCO"), organized and operating pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code sections 56000, et seq. and REBECCA LOWERY (hereinafter referred to as "Consultant"). LAFCO and Consultant are sometimes referred to herein as "Party" or the "Parties."

- A. The Parties entered into that certain Agreement for Services dated as of May 18, 2023 ("Original Agreement") establishing the terms for the provision of administrative and clerical projects services by Consultant to LAFCO.
- B. Section 10 of the Original Agreement provides that it can be amended by a writing signed by both Parties.
- C. The Parties desire to amend the Original Agreement as set forth in this Amendment #1.

**IN CONSIDERATION OF THE MUTUAL OBLIGATIONS OF THE PARTIES AS SET FORTH IN THIS AMENDMENT #1, THE PARTIES HEREBY AGREE TO AMEND THE ORIGINAL AGREEMENT AS FOLLOWS:**

- 1. Section 2 (a) of the Original Agreement is hereby deleted in its entirety replaced with the following:
  - 2. Compensation.
    - a. The Consultant shall be paid at the rate of \$26.25 per hour effective July 1, 2024, billed in increments of one-half hour. LAFCO will provide written or oral requests for any services to be provided by Consultant. Consultant will respond to requests made by LAFCO within 72 hours. If the task cannot be accomplished within the specified time, Consultant will respond via email within 48 hours on a schedule as to when the task can be accomplished. Payments to Consultant for work performed will be made on a bi-weekly billing basis.

Hourly rate shall increase for the services provided by Consultant on and after July 1 of each calendar year (commencing July 1, 2025) in an amount equal to the increase in the Consumer Price Index (CPI) for the previous calendar year for all Urban Consumers in the Riverside-San Bernardino-Ontario area; provided that the CPI adjustment shall be rounded to the nearest quarter (25 cents), and further provided that the

CPI adjustment shall not exceed five percent (5%) for any year.

2. Except as amended herein, all other terms and conditions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment #1 as of the date first written above.

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

**REBECCA LOWERY  
CONSULTANT**

**BY:** \_\_\_\_\_  
SAMUEL MARTINEZ  
Executive Officer

**BY:** \_\_\_\_\_  
REBECCA LOWERY


Approved as to form:

\_\_\_\_\_  
Legal Counsel  
Local Agency Formation Commission  
for San Bernardino County

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

---

**DATE:** MAY 8, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

---

**SUBJECT:** AGENDA ITEM #13: LAFCO SC#523 – City of San Bernardino  
Irrevocable Agreement to Annex No. 2022-368 for Sewer Service (APNs  
0262-021-09 & 0267-021-13)

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## **INITIATED BY:**

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

## **RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO SC#523 by taking the following actions:

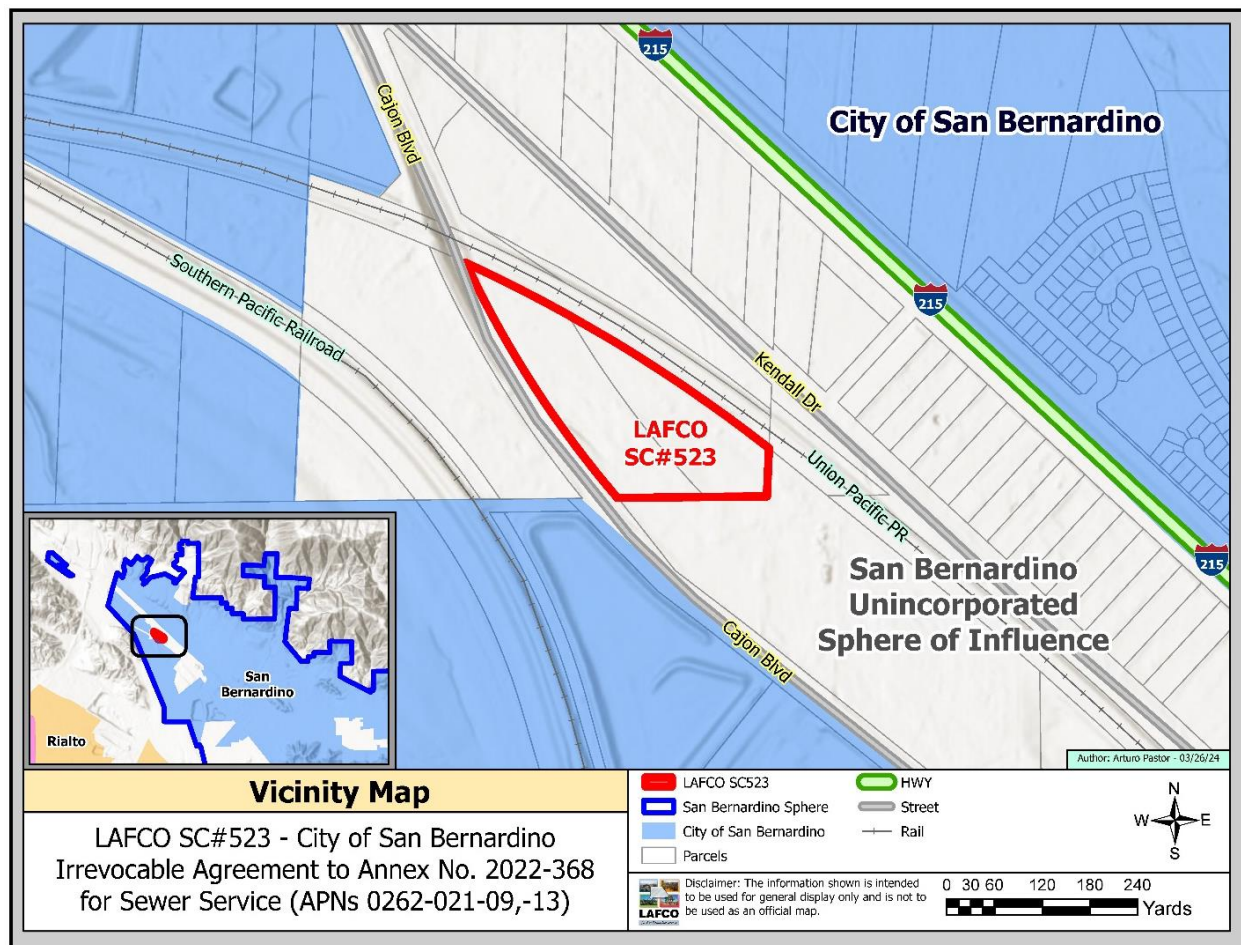
1. For environmental review as a responsible agency:
  - a. Certify that the Commission and its staff have reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Conditional Use Permit to construct a truck terminal with a 28,680 sq. ft. cargo terminal on a total of approximately 9.2 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#523 authorizing the City of San Bernardino to extend sewer service outside its corporate boundaries to Assessor Parcel Numbers 0262-021-09 and 0267-021-13; and,
3. Adopt LAFCO Resolution No. 3402 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

**BACKGROUND:**

The City of San Bernardino (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service to two adjacent parcels, Assessor Parcel Numbers (APNs) 0262-021-09 and 0267-021-13, which encompasses approximately 9.2 acres generally located on the east side of Cajon Boulevard immediately south of the Union Pacific Railroad, within the City of San Bernardino's northern sphere of influence. The location and vicinity map below, along with the maps outlining the location of the sewer infrastructure to be extended, is included as Attachment #1.



The County's Land Use Services Department processed and approved a Conditional Use Permit to establish a truck terminal and cargo terminal on the 9.2-acre project area. 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 Conditions 98 and 99 of the Conditions of Approval). A copy of the Conditions of Approval for the project is included as Attachment #3 to this report.

Note that in May 2010, the Commission confirmed that the provision of water service by the City within the area previously served by the San Bernardino Water Utilities Corporation—which includes both APNs 0262-021-09 and 0267-021-13—is exempt from further LAFCO review through approval of LAFCO SC#352. Therefore, the provision of water service to the project is not considered as part of this authorization request.

However, the extension of sewer service will require a contract with the City for the provision of service outside its boundaries. Therefore, the City, on behalf of the property owner/developer, has requested that the Commission authorize the extension of sewer service to the 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, included as Attachment #2, identifies that sewer service will be provided to the parcel through installation of a sewer lateral from the property and connecting to the existing 15-inch sewer main in Cajon Boulevard.

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 \$8,849.85 for the extension of sewer service to the parcel. Following is a table with a breakdown of the fee calculation:

Description of Fees/Charges	Cost
Sewer Treatment Capacity Charge	\$5,280.05
Sewer Collection Capacity Charge (\$330 per 3,000 sq. ft.)	\$3,154.80
Sewer Lateral Inspection Fee	\$415.00
<b>Total</b>	<b>\$8,849.85</b>

#### **ENVIRONMENTAL DETERMINATION:**

The County prepared an Initial Study and Mitigated Negative Declaration for a Conditional Use Permit to construct a truck terminal with a 28,680 sq. ft. cargo terminal in two phases: 1) Phase 1 – 9,360 sq. ft. cargo terminal with a truck vehicle repair shop, and 2) Phase 2 – 19,320 sq. ft. cargo terminal within the project area totaling approximately 9.2 acres.



Staff has reviewed the County's environmental assessment and Mitigated Negative Declaration for the proposed project and has determined that the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency.

The necessary environmental actions to be taken by the Commission are as follows:

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

A copy of staff's environmental determination together with the County's Mitigated Negative Declaration is included as Attachment #4 to this report.

### **CONCLUSION:**

The development of the truck terminal and cargo terminal approved by the County requires that it receive water and sewer service from the City of San Bernardino.

For water service, the Commission has previously confirmed that the provision of water service within the area—which includes both APNs 0262-021-09 and 0267-021-13—is exempt from LAFCO review. Therefore, there is no issue with the provision of water service by the City.

However, for sewer service, the property owner/developer must show proof of its ability to connect to the City's sewer infrastructure for the project to proceed, which—in this case—is the Commission's authorization for the agreement.

Staff has reviewed this request for authorization to provide sewer 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 to the City and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide sewer service to the project site 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, Assessor Parcel Numbers 0262-021-09 and 0267-021-13, is within the sphere of influence assigned to the City of San Bernardino and is anticipated to become a part of that City sometime in the future. The project requires connection to the City's water and sewer facilities. For water service, the Commission has previously confirmed that the provision of water service within the area previously served by the San Bernardino Water Utilities Corporation—which include said parcels—is exempt from LAFCO review. Therefore, the application requests authorization to receive City of San Bernardino sewer service only.

The requirement to receive water and sewer service from the City of San Bernardino are conditions 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 sewer service is necessary to satisfy the condition of approval for the project.

2. The City of San Bernardino's Irrevocable Agreement to Annex No. 2022-368 being considered is for the provision of sewer service to the project area, Assessor Parcel Numbers 0262-021-09 and 0267-021-13. 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 San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of San Bernardino for the extension of sewer service to the parcel are identified as totaling \$8,849.85. Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owner/developer shall bear all costs to complete improvements needed to extend the sewer service to the project.
4. Acting as the CEQA Lead Agency, the County of San Bernardino, as a function of its review for a Conditional Use Permit to construct a truck terminal with a 28,680 sq. ft. cargo terminal within the project area totaling approximately 9.2 acres, prepared an environmental assessment and adopted a Mitigated Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County's Initial Study and Mitigated Negative Declaration have been reviewed by the Commission and its staff who have found them to be adequate for the service contract decision.

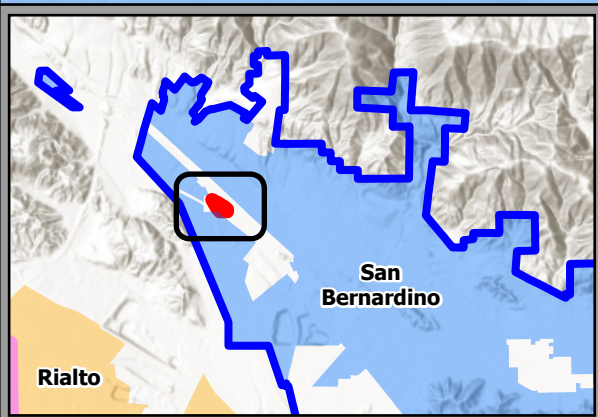
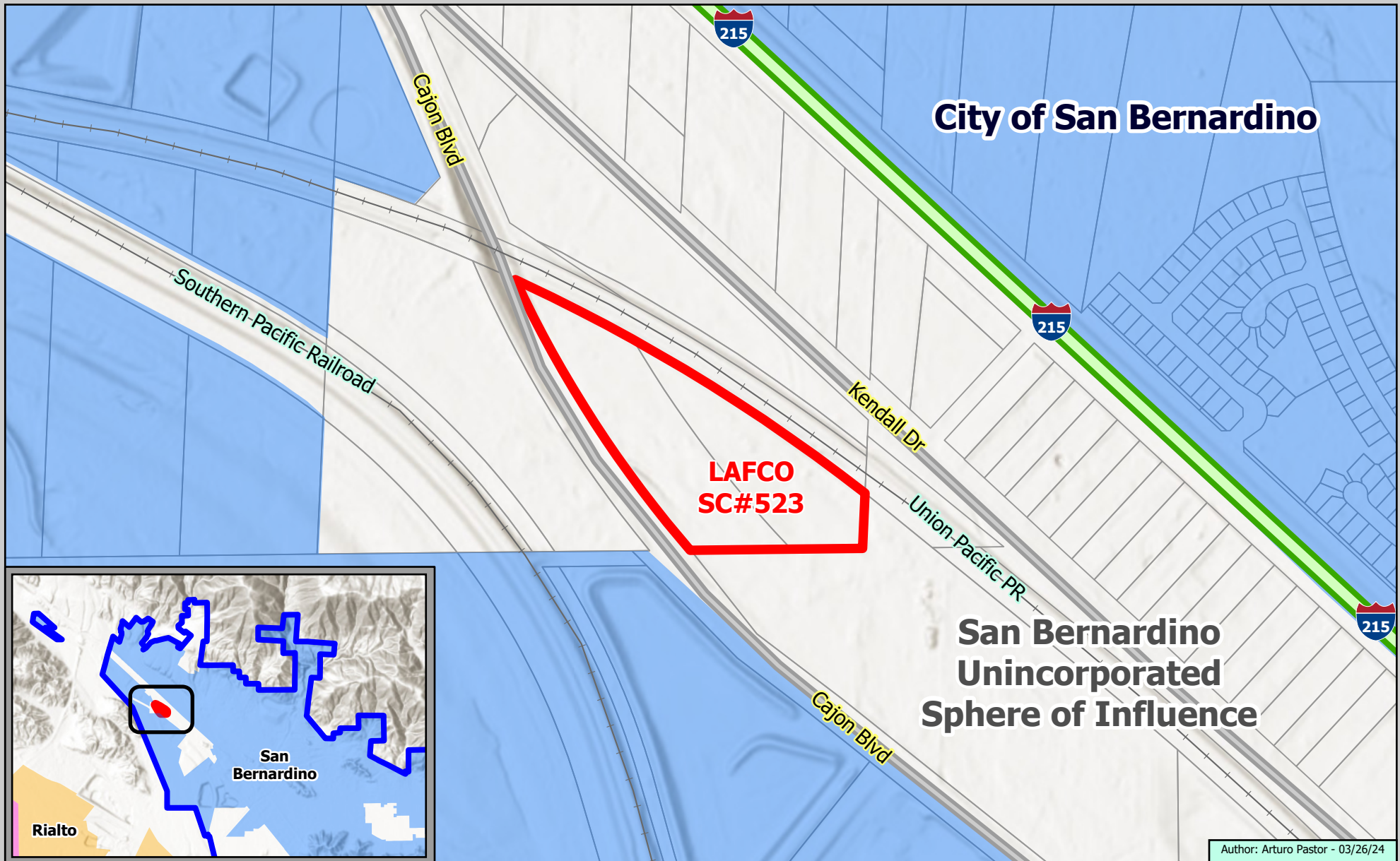
The Commission certifies that it has reviewed and considered the County's Mitigated Negative Declaration and its environmental effects as outlined in the Initial Study prior to reaching a decision on the service contract and finds the information substantiating the Mitigated Negative Declaration is adequate for its use as a CEQA Responsible Agency. The Commission further finds that it does not intend to adopt

alternatives or additional mitigation measures for this project as all changes, alterations and mitigation measures are within the responsibility and jurisdiction of the County and/or others, and are self-mitigating through implementation of the Conditions of Approval.

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

Attachments:

1. [Vicinity Map](#)
2. [City of San Bernardino's Application and Signed Irrevocable Agreement to Annex](#)
3. [County's Conditions of Approval for the Project](#)
4. [Staff Environmental Determination including the County's Mitigated Negative Declaration \(Notice of Determination, Mitigation Monitoring and Reporting Program, and Initial Study\)](#)
5. [Draft Resolution No. 3402](#)



Author: Arturo Pastor - 03/26/24

## Vicinity Map

LAFCO SC#523 - City of San Bernardino  
Irrevocable Agreement to Annex No. 2022-368  
for Sewer Service (APNs 0262-021-09,-13)

- LAFCO SC523
- San Bernardino Sphere
- City of San Bernardino
- Parcels
- HWY
- Street
- +— Rail

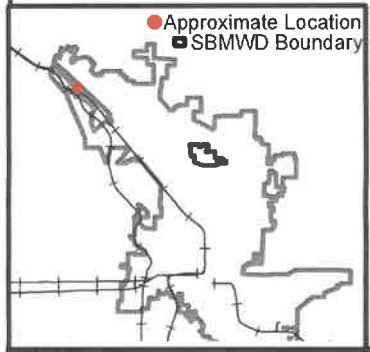
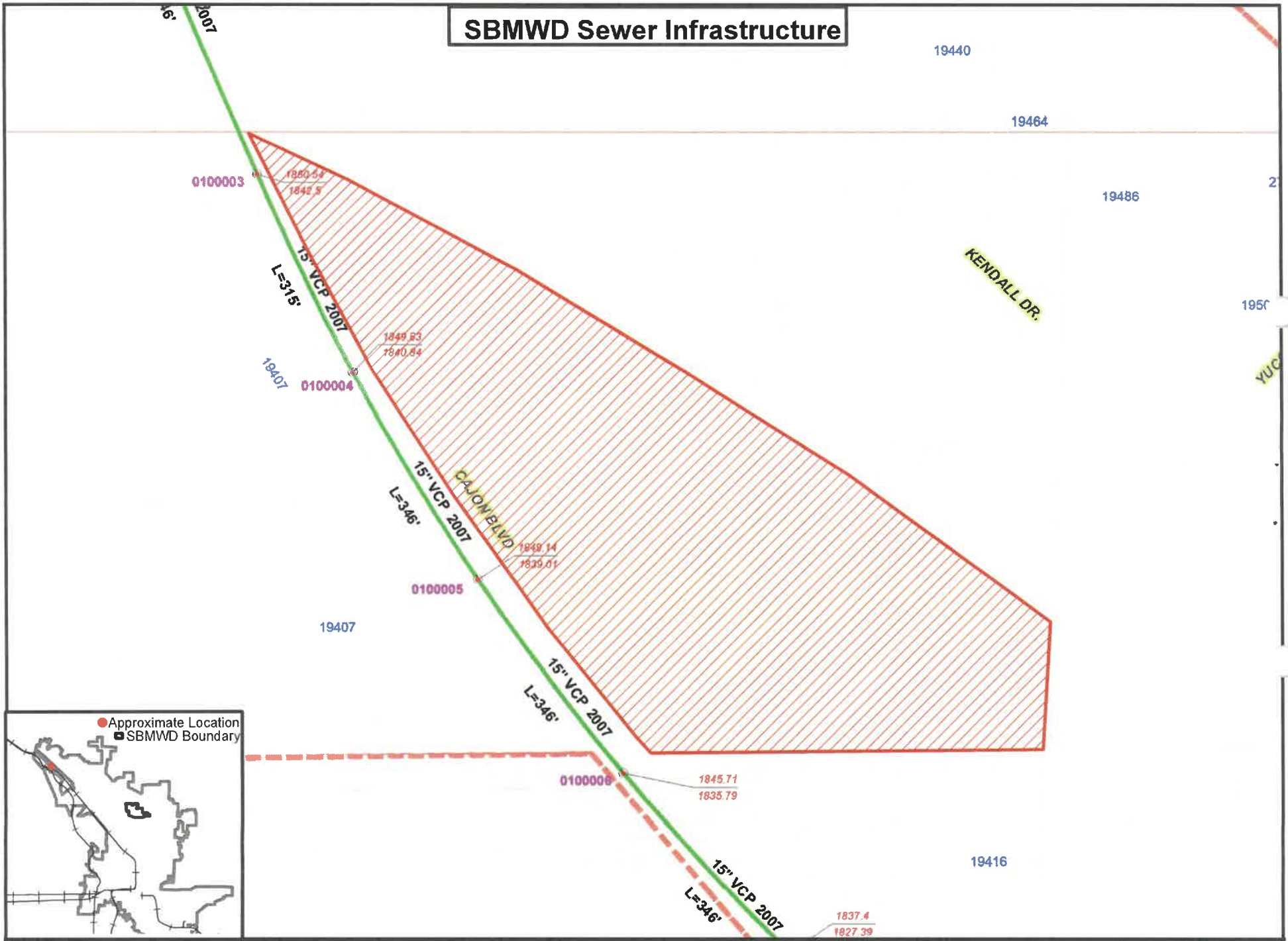


Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.



0 30 60 120 180 240  
Yards

# SBMWD Sewer Infrastructure





## SAN BERNARDINO LAFCO APPLICATION FOR EXTENSION OF SERVICE BY CONTRACT

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

### AGENCY TO EXTEND SERVICE:

AGENCY NAME: San Bernardino Municipal Water Department

CONTACT PERSON: Ted Brunson

ADDRESS: 397 Chandler Place  
San Bernardino, CA 92408

PHONE: (909) 453-6165

EMAIL: Ted.Brunson@sbmwd.org

### CONTRACTING PARTY:

NAME OF  
PROPERTY OWNER: Cajon Blvd. Industrial Park LLC.

CONTACT PERSON: Mr. Parviz Razavian

MAILING ADDRESS: 1212 S. Mountain View Avenue  
San Bernardino, CA 92408

PHONE: 800-323-7227

EMAIL: parvizr@calsteel.com

ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 19472 Cajon Boulevard  
San Bernardino, CA 92407

CONTRACT NUMBER/IDENTIFICATION: 2019-006

PARCEL NUMBER(S): APN: 0262-021-09, 13

ACREAGE: 9.51 From PIMS

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

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

Sanitary Sewer Treatment (Sewer Treatment) and

Sanitary Sewer Collection (Sewer Collection)

- (b) Are any of the services identified above "new" services to be offered by the agency? ☒ YES ☐ NO. If yes, please provide explanation on how the agency is able to provide the service.

Existing sanitary sewer collection main exists within Cajon Blvd. fronting the Contract Parcel.

Existing SBMWD Water Reclamation Treatment Plant has available sewer treatment capacity.

Sewer lateral and connection to the SBMWD sanitary sewer main to be installed by owner.

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

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

SBMWD Sewer Lateral Connection Invoice to be paid prior to issuance of sewer lateral inspection permits.

Sewer collection and treatment fees to be added to Contract Parcel's SBMWD account for monthly billing.

Irrevocable Annexation Agreement was established as a required condition of connection.

4. (a) Is annexation of the territory by your agency anticipated at some point in the future? ☒ YES ☐ NO. If yes, please provide a projected timeframe when it anticipates filing an application for annexation of territory that would include the area to be served. If no, please provide an explanation as to why a jurisdictional change is not possible at this time.

No Known time frame exists. Goals of annexation will be furthered by

Irrevocable Annexation Agreements for new sewer connections.

- (b) Is the property to be served contiguous to the agency's boundary?  
☒ YES ☐ NO. If yes, please provide explanation on why annexation to the agency is not being contemplated.

The annexation is being contemplated and is desired. Goals of annexation will  
be furthered by Irrevocable Annexation Agreements for new sewer connections.  
Single parcel annexations are not being pursued, due to administrative costs.

5. Is the service agreement/contract outside the Agency's sphere of influence in response to a threat to the public health and safety of the existing residents as defined by Government Code Section 56133(c)?  
☐ YES ☐ NO. If yes, please provide documentation regarding the circumstance (i.e. letter from Environmental Health Services or the Regional Water Quality Control Board).

Not applicable. Contract property is within Agency's sphere of influence.

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

The parcels for this project are vacant and are awaiting connection to the existing  
sanitary sewer main within Cajon Blvd. PIMS lists the parcel types as Industrial.

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

The proposed development consists of a paved trailer parking and truck terminal for storage, staging and  
redistribution of loads and goods. The site will include a 28,680 SF warehouse with 45 loading docks.

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.

The proposed development consists of a paved trailer parking and truck terminal for storage, staging and  
redistribution of loads and goods. The site will include a 28,680 SF warehouse with 45 loading docks.



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

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

See attached documents.

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

10. Plan for Service:

- (a) Please provide a detailed description of how services are to be extended to the property. The response should include, but not be limited to, a description of: 1) capacity of existing infrastructure, 2) type of infrastructure to be extended or added to serve the area, 3) location of existing infrastructure in relation to the area to be served, 4) distance of infrastructure to be extended to serve the area, and 5) other permits required to move forward with the service extension.

SBMWD maintains a 15" Vitrified Clay Pipe (VCP) sanitary sewer main in Cajon Blvd

fronting the contract property. Capacity exists in the 15" sanitary sewer main, as

well as at the San Bernardino Water Reclamation Plant, to serve the contract property.

Sewer lateral to be installed by owner's licensed contractor (Class A or Classes

C-34 & C-42), from proposed development up to and including connection to

existing sanitary sewer main. All necessary permits for excavation and pavement

replacement to be obtained by owner's contractor with the respective governing

agencies. SBMWD to provide sewer connection permit and certificate of paid

sewer treatment capacity and sewer collection capacity charges, and perform

inspection within the right-of-way of Cajon Blvd. during installation and connection of  
the sewer lateral to the sanitary sewer main.

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

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
Sewer Treatment Capacity Charge	\$5,280.05	\$5,280.05
Sewer Collection Capacity Charge	\$330.00/3,000SF	\$3,154.80
Sewer Lateral Inspection Fee	\$415.00	\$415.00
<b>Total Costs</b>		<b>\$8,849.85</b>

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

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

Not applicable.

- 11 Does the City/District have any policies related to extending service(s) outside its boundary? ☒ YES ☐ NO. If yes, has a copy been provided to LAFCO?  
☐ YES ☒ NO. If not, please include a copy of the policy or policies (i.e. resolution, municipal code section, etc.) as part of the application.  
Policy attached. Policy was adopted by the City of San Bernardino when the  
sewer collection system was maintained by the Public Works Department. It  
is unknown if this policy has been provided to LAFCO at an earlier date.

## CERTIFICATION

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

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

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

*Extension of Service by Contract  
Application Form*

(FOR LAFCO USE ONLY)

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

SIGNED

Ted Brunson

NAME:

Ted Brunson

POSITION TITLE:

Development Services Manager

DATE:

05/25/2022

**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 West 3rd Street, Unit 150

San Bernardino, CA 92415-0490

PHONE: (909) 388-0480 • FAX: (909) 388-0481

Rev: krm – 8/19/2015



Recorded in Official Records  
San Bernardino County

Bob Dutton  
Assessor-Recorder-County Clerk

DOC # 2022-0092181

03/10/2022  
11:11 AM  
SAN

B9246

Titles: 1 Pages: 7

Fees: \$0.00  
Taxes: \$0.00  
CA SB2 Fee: \$0.00  
Total: \$0.00

RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:

City of San Bernardino  
290 N. D Street  
San Bernardino, California 92401  
Attn: City Manager

Exempt from Recording fee  
pursuant to Gov't Code §§ 27383, 6103

(Space above for Recorder's use)

**IRREVOCABLE AGREEMENT TO ANNEX**  
**No. 2022-368**

This Irrevocable Agreement to Annex ("Agreement"), is entered into this day of February 2, 2022; by and between Cajon Blvd. Industrial Park LLC, a Delaware Limited Liability Company Hereinafter referred to as "OWNER," and the CITY OF SAN BERNARDINO, a charter city and municipal corporation, hereafter referred to as a "CITY." OWNER and CITY may be referred to in this Agreement individually as "Party" and collectively as "Parties".

**RECITALS:**

WHEREAS, OWNER holds title to the unincorporated parcel, located at 19472 Cajon Boulevard, San Bernardino, California, and parcel is further described as follows:

PARCEL 1: THAT PORTION OF BLOCK 11 OF THE MEYER AND BARCLAY SUBDIVISION, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 2, PAGE(S) 32, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF SAID BLOCK 11, DISTANT THEREON SOUTH 89° 36' 35" WEST, 233.98 FEET FROM A 2' X 3" HUB IN A ROCK "MOUND" MARKING THE SOUTHEAST CORNER OF SAID BLOCK 11; THENCE SOUTH 89° 36' 35" WEST, 517.71 FEET ALONG SAID SOUTH LINE; THENCE NORTH 44° 03' 25" WEST, 21.75 FEET; THENCE NORTH 35° 51' 10" WEST, 516.24 FEET; THENCE NORTH 28° 59' 28" WEST, 649.53 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY; THENCE FROM A TANGENT BEARING SOUTH 67° 46' 32" EAST, ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 5,679.65 FEET, THROUGH AN ANGLE OF 7° 28' 36", A DISTANCE OF 741.16 FEET ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE; THENCE FROM A TANGENT BEARING SOUTH 28° 13' 04" EAST, ALONG A CURVE TO THE LEFT WITH A RADIUS OF 3200 FEET, THROUGH AN ANGLE OF 14° 54' 24", A DISTANCE OF 832.55 FEET TO THE POINT OF BEGINNING. EXCEPT THAT PORTION RELINQUISHED TO THE COUNTY OF SAN BERNARDINO, A CERTIFIED COPY OF SAID RELINQUISHMENT HAVING BEEN RECORDED SEPTEMBER 3, 1959 IN BOOK 4921, OF SAID OFFICIAL RECORDS, PAGE 123, AND IS SHOWN ON DETAIL MAP OF RELINQUISHMENT ON FILE IN STATE HIGHWAY MAP BOOK 3, PAGE 49-53, IN SAID RECORDER'S OFFICE.

PARCEL 2: THAT PORTION OF BLOCK 11, MEYER AND BARCLAY SUBDIVISION, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS

PER MAP RECORDED IN BOOK 2 OF MAPS, PAGE 32, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID BLOCK 11; THENCE SOUTH 89° 36' 35" WEST, 233.98 FEET ALONG THE SOUTH LINE OF SAID BLOCK 11 TO THE POINT OF INTERSECTION OF THE SOUTH LINE OF SAID BLOCK 11, AND THE EASTERLY LINE OF THE STATE HIGHWAY, AS CONVEYED BY DEED RECORDED IN BOOK 1203, AT PAGE 418 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID STATE HIGHWAY, FROM A TANGENT BEARING NORTH 43° 07' 28" WEST ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 3200 FEET THRU AN ANGLE OF 14° 54' 24" A DISTANCE OF 832.55 FEET TO THE SOUTHWESTERLY RIGHT OF WAY OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE TO THE EAST LINE OF SAID BLOCK 11; THENCE SOUTH ALONG THE EAST LINE OF SAID BLOCK 11 TO THE SOUTHEAST CORNER OF SAID BLOCK 11, TO THE POINT OF BEGINNING.

APN 0262-021-09 AND 13)

WHEREAS, the Property is within the CITY's sphere of influence; and

WHEREAS, OWNER desires to obtain CITY's sewage system and wastewater treatment plant service for the Property; and

WHEREAS, CITY's sewage system and wastewater treatment plant service could be provided to the Property by connecting to the CITY's sewage system; and

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

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

NOW, THEREFORE, the Parties hereto agree as follows:

**SECTION I**

**OWNER AGREES:**

- a. To consent to the annexation of the Property to the CITY. OWNER agrees to covenant for itself, its agents, employees, contractors, heirs, successors and assigns ("Successors") not in any way object to, protest, delay, frustrate or otherwise impede any annexation proceedings concerning the annexation of the Property to the CITY. OWNER and its Successors shall cooperate in every reasonable way with the requests of the CITY, the San Bernardino Local Agency Formation Commission ("LAFCO"), or any other public agency in any proceedings to annex the Property to the CITY. The OWNER's and its Successor's cooperation shall include, but not be limited to, the filing of all necessary applications, petitions, plans, drawings, and any other documentation or information required by the CITY, LAFCO, or any other public agency.
- b. To pay such annexation fees and costs and other municipal charges as would ordinarily be charged in the annexation of property to the CITY. Said fees shall be payable when the same becomes due and payable.
- c. To pay all fees and charges and make all deposits required by the CITY to connect to and use the CITY's sewage system and wastewater treatment plant service system, and further agrees to be bound by all CITY ordinances, rules and regulations respecting the sewage system.
- d. To acknowledge that execution of this Agreement to annex is on behalf of all future heirs, successors and assigns; and that said Agreement shall be irrevocable without written consent of CITY.
- e. To comply with the San Bernardino Municipal Code and any rules and regulations promulgated by the Water Board of the San Bernardino Municipal Water Department relating to CITY's sewage system and wastewater treatment plant service system.
- f. To make application to LAFCO, and allow CITY to make application on behalf of the OWNER and pay all application fees, for approval to connect to CITY's sewage system, pursuant to Section 56133 of the Government Code.
- g. To execute a standard form agreement with CITY stipulating the terms and conditions under which the connection to the CITY's sewage system and wastewater treatment plant service system shall be made and maintained.
- h. OWNER acknowledges and agrees that if CITY determines that any attempted annexation fails or is unreasonably delayed because the OWNER or Successor failed to exercise good faith and best efforts to cause or assist in permitting the annexation to occur, any connection to CITY's sewage system and wastewater treatment plant service system permitted or authorized by this agreement may



be disconnected at the sole option of CITY and upon reasonable notice to the OWNER to provide for alternative service.

- i. OWNER agrees to maintain the Property in good condition and in compliance with reasonable residential standards. Reasonable standards are defined as the level of maintenance service necessary to keep the appearance and operation of the Property free from visible defects, deterioration, dirt and debris.
- j. OWNER shall indemnify, defend, and hold the CITY and its officials and staff harmless from any and all liability, claims, costs (including reasonable attorneys' fees), damages, expenses and causes of action resulting from any construction performed under or otherwise related to performance of this Agreement.

**SECTION II**      **CITY AGREES:**

- a. To allow OWNER's parcel, described hereinbefore, to connect to CITY's sewage system and wastewater treatment plant service system, subject to payment of all applicable fees and permits.

**SECTION III**      **BE IT MUTUALLY AGREED, AS FOLLOWS:**

- a. City Clerk for CITY shall record this Agreement with the County Recorder.
- b. The benefit to the subject parcel will inure to the benefit of subsequent owners, their heirs, successors, and assigns, and the agreements, conditions, and covenants contained herein shall be binding upon them and upon the land.
- c. The approval granted to connect said parcel to CITY's sewage system and wastewater treatment plant service system is contingent upon OWNER securing approval from LAFCO.
- d. This Agreement may be executed in counterparts.
- e. CITY and OWNER acknowledge that this Agreement is the product of mutual arms-length negotiation and drafting. Accordingly, the rule of construction which provides the ambiguities in a document shall be construed against the drafter of that document shall have no application to the interpretation and enforcement of this Agreement. In any action or proceeding to interpret or enforce this Agreement, the finder of fact may refer to any extrinsic evidence not in direct conflict with any specific provision of this Agreement to determine and give effect to the intention of the parties.
- f. This Agreement may only be amended by the written consent of all of the Parties at the time of such amendment. If either Party commences an action against the other Party arising out of or in connection with this Agreement, the



prevailing party shall be entitled to have and recover from the losing Party reasonable attorneys' fees and costs of suit, and, if CITY is awarded such attorneys' fees and costs, such award shall constitute a lien upon the Property.

- g. Failure to insist on any one occasion upon strict compliance with any of the terms, covenants or conditions hereof shall not be deemed a waiver of such term, covenant or condition, nor shall any waiver or relinquishment of any rights or powers hereunder at any one time or more times be deemed a waiver or relinquishment of such other right or power at any other time or times.
- h. This Agreement has been executed in and shall be governed by the laws of the State of California. Venue shall be in the County of San Bernardino.

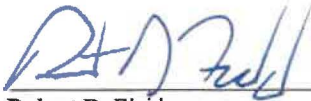
**SIGNATURE PAGE TO IRREVOCABLE AGREEMENT TO ANNEX**

IN WITNESS WHEREOF, the Parties hereto have caused this agreement to be entered into as of the Effective Date set forth above.

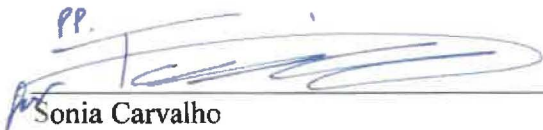
**CITY OF SAN BERNARDINO**

**OWNER**

*Approved By:*



Robert D. Field  
City Manager

PP.  




Sonia Carvalho  
City Attorney

*Attested By:*



Genoveva Rocha  
City Clerk

X

  
Cajon Blvd Industrial Park LLC  
Property Owner  
Signature

PARVIZ KAZARIAN  
Name

## ACKNOWLEDGMENT

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

State of California

County of San Bernardino

On 2-23-2022 before me, Irene V. Jones, Notary Public  
(insert name and title of the officer)

personally appeared Barvin Rezaia  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are  
subscribed to the within instrument and acknowledged to me that ~~he~~ ~~she~~ they executed the same in  
~~his~~ ~~her~~ their authorized capacity(ies), and that by ~~his~~ ~~her~~ their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

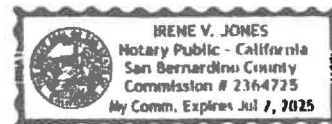
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Irene V. Jones

(Seal)





## Land Use Services Department Planning

Mark Wardlaw  
Director

February 27, 2024

**Effective Date: March 4, 2024**

**Expiration Date: March 4, 2027**

Martina Masarani  
33195 Fox Road  
Temecula, CA 92592  
[mmasarani@verizon.net](mailto:mmasarani@verizon.net)

Parviz Razavian  
1212 S. Mountain View Ave.  
San Bernardino, CA 92408  
[parvizr@calsteel.com](mailto:parvizr@calsteel.com)

**RE: APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A TRUCK TERMINAL WITH A 28,680 SQ. FT. CARGO TERMINAL IN TWO PHASES: 1) PHASE I - 9,360 SQ. FT. CARGO TERMINAL WITH A TRUCK VEHICLE REPAIR SHOP, 2) PHASE II - 19,320 SQ. FT. CARGO TERMINAL LOCATED ON TWO PARCELS TOTALING 9.2-ACRES, AT 19472 CAJON BOULEVARD, WITHIN THE SPECIAL DEVELOPMENT (SD) LAND USE CATEGORY AND GLEN HELEN SPECIFIC PLAN – HEAVY INDUSTRIAL (GHSP-HI) ZONING DISTRICT; APN: 0262-021-09 & 13; CITY OF SAN BERNARDINO SPHERE OF INFLUENCE AREA; 5TH SUPERVISORIAL DISTRICT; PROJ-2021-00066.**

Dear Ms. Masarani:

On **February 22, 2024**, the above referenced application was reviewed and approved by the Planning Commission, subject to completing all incorporated **Conditions of Approval and Mitigation Measures**. The effective date of this approval is **March 4, 2024**.

This approval shall become null and void, if all conditions have not been completed within thirty-six (36) months and shall expire on **March 4, 2027**. Extensions of time, not to exceed a total of thirty-six (36) months may be granted upon written application and the payment of the required fee to the County Planning Division not less than thirty (30) days prior to the expiration date. PLEASE NOTE: This is the only notice given of the above referenced expiration date. The applicant is responsible for initiating extension of time requests without any further reminder.

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

Pursuant to San Bernardino County Code Title 8, Sections 86.08.010 and 86.08.020, any interested person may, within ten (10) days prior to the Effective Date, appeal this decision in writing to the Planning Commission. The appeal, together with the appropriate fee, must be made in writing on forms available from the Public Information Counter. This determination becomes effective upon completion of the appeal period.

**Please proceed to obtain Department Signatures on the attached Condition Compliance Release Forms (CCRFs) for 'Prior to Land Disturbance', 'Prior to Issuance of Building Permit' and 'Prior to Final Inspection'.**

If you have any questions regarding this approval, you can reach me directly at (909) 601-4667 or via e-mail at [azhar.khan@lus.sbcounty.gov](mailto:azhar.khan@lus.sbcounty.gov).

(See next Page)

### BOARD OF SUPERVISORS

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Vice Chairman, First District

JESSE ARMENDAREZ  
Second District

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Chair, Third District

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Fourth District

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Fifth District

Luther Snoke  
Chief Executive Officer

PROJ-2021-00066

February 27, 2024

PAGE 2 of 2

Sincerely,



Azhar Khan, Senior Planner

AK/sv/nm

Enclosure: **Attachment A** – Conditions of Approval

**Attachment B** – Mitigation Monitoring & Reporting Program (MMRP)

**Attachment C** – Approved Site Plan

**Attachment D** – Condition Compliance Release Forms



## Conditions of Approval

<b>Record:</b>	PROJ-2021-00066	<b>System Date:</b>	02/26/2024
<b>Record Type:</b>	Project Application	<b>Primary APN:</b>	0262021130000
<b>Record Status:</b>	Decision Rendered	<b>Application Name:</b>	Conditional Use Permit for Route 66 Truck Parking & Cargo Terminal
<b>Effective Date:</b>	03/04/2024	<b>Expiration Date:</b>	03/04/2027
<b>Description:</b>	A CONDITIONAL USE PERMIT TO CONSTRUCT A TRUCK TERMINAL WITH A 28,680 SQ. FT. CARGO TERMINAL IN TWO PHASES: 1) PHASE I - 9,360 SQ. FT. CARGO TERMINAL WITH A TRUCK VEHICLE REPAIR SHOP, 2) PHASE II - 19,320 SQ. FT. CARGO TERMINAL LOCATED ON TWO PARCELS TOTALING 9.2-ACRES, AT 19472 CAJON BOULEVARD, WITHIN THE SPECIAL DEVELOPMENT (SD) LAND USE CATEGORY AND GLEN HELEN SPECIFIC PLAN – HEAVY INDUSTRIAL (GHSP-HI) ZONING DISTRICT; APN: 0262-021-09 & 13; CITY OF SAN BERNARDINO SPHERE OF INFLUENCE AREA; 5TH SUPERVISORIAL DISTRICT; PROJ-2021-00066.		

### **This document does not signify project approval.**

If the project has been approved, then an effective date and an expiration date for these conditions can be found below. This content reflects County records as at the System Date and time below.

The following conditions of approval have been imposed for the project identified below. The applicant/developer shall complete all conditions of approval stipulated in the approval letter.

Conditions of Approval are organized by project phase, then by status, and finally by department imposing the condition.

On-going conditions must be complied with at all times. For assistance interpreting the content of this document, please contact the Land Use Services Department Planning Division.

Contact information is provided at the end of this document for follow-up on individual conditions.

## ON-GOING

### Land Use Services - Planning

1 **Project Approval Description (CUP/MUP)** - Status: Outstanding

This Project is conditionally approved to A CONDITIONAL USE PERMIT FOR A PHASED DEVELOPMENT TO CONSTRUCT A TRUCK TERMINAL WITH A 28,680 SQUARE FOOT CARGO TERMINAL; PHASE 1 – 9,360 SQFT CARGO TERMINAL WITH A TRUCK VEHICLE REPAIR SHOP AND PHASE 2 – 19,320 SQFT CARGO TERMINAL; ON TWO PARCELS APPROXIMATELY 9.2-ACRES; LOCATED AT 19472 CAJON BOULEVARD, WITHIN THE GLEN HELEN SPECIFIC PLAN, ZONED HEAVY INDUSTRIAL (GHSP/HI); WITHIN THE CITY OF SAN BERNARDINO SPHERE OF INFLUENCE AREA; 5TH SUPERVISORIAL DISTRICT; APNS: 0262-021-09 AND 0262-021-13; PROJECT NUMBER PROJ-2021-00066 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.

2 **Project Location** - Status: Outstanding

The Project site is located 19472 Cajon Boulevard, San Bernardino.

3 **Revisions** - Status: Outstanding

Any proposed change to the approved Project and/or conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Land Use Services for review and approval.

4 **Indemnification** - Status: Outstanding

In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

5 **Additional Permits** - Status: Outstanding

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 are not limited to: a. FEDERAL: b. STATE: c. COUNTY: d. LOCAL:

**6 Expiration** - Status: Outstanding

This project permit approval shall expire and become void if it is not "exercised" within 36 months of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either: (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

**7 Continuous Effect/Revocation** - Status: Outstanding

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.

**8 Extension of Time** - Status: Outstanding

Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

**9 Project Account** - Status: Outstanding

The Project account number is PROJ-2021-00066. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

**10 Development Impact Fees** - Status: Outstanding

Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances

**11 Condition Compliance** - Status: Outstanding

The project requires signatures to be obtained on the provided Condition Compliance Release Form (CCRFs) from appropriate departments to receive sign-offs.



12 **Performance Standards** - Status: Outstanding

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

13 **Continous Maintenance** - Status: Outstanding

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. l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

14 **Clear Sight Triangle** - Status: Outstanding

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

15 **Lighting** - Status: Outstanding

Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). 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.

16 **Underground Utilities** - Status: Outstanding

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.

17 **Construction Hours** - Status: Outstanding

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.

18 **Construction Noise** - Status: Outstanding

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.

19 **Grading/Land Disturbance Condition** - Status: Outstanding

GEOLOGY - Undocumented Fills: Any undocumented fills encountered during grading should be completely removed and cleaned of significant deleterious materials. These may then be reused as compacted fill.

## Public Health– Environmental Health Services

20 **Noise Levels** - Status: Outstanding

Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.

21 **OWTS Maintenance** - Status: Outstanding

The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

22 **Refuse Storage and Disposal** - Status: Outstanding

All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq.

## Public Works - Traffic

23 **Access** - Status: Outstanding

The access point to the facility shall remain unobstructed at all times, except a driveway access gate which may be closed after normal working hours.

24 **Back Out Into Public Roadways** - Status: Outstanding

Project vehicles shall not back up into the project site nor shall they back out into the public roadway.

## INFORMATIONAL

### County Fire - Community Safety

25 **Additional Requirements** - Status: Outstanding

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. 30' access roads will be required 2. Deferred submittal required for Sprinklers and Alarms

26 **Jurisdiction** - Status: Outstanding

The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable status, codes, ordinances and standards of the Fire Department.

27 **Sprinkler Installation Letter** - Status: Outstanding

The applicant shall submit a letter to the Fire Department agreeing and committing to installation of a fire protection system prior to the building inspection for drywall and insulation.

28 **Standard B-1 PREMISE AND BUILDING IDENTIFICATION AND ADDRESSING** - Status: Outstanding

This standard applies to the marking of all buildings with address numbers for identification.

29 **Standard B-2 CONSTRUCTION SITE FIRE SAFETY** - Status: Outstanding

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.

30 **Standard F-1 FIRE SPRINKLER SYSTEMS IN COMMERCIAL AND INDUSTRIAL BUILDINGS** - Status: Outstanding

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.

31 **Standard F-4 POST INDICATOR VALVES AND FIRE DEPARTMENT CONNECTIONS** - Status: Outstanding

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.

32 **Standard F-5 DESIGN, INSTALLATION AND MAINTENANCE OF FIRE ALARM SYSTEMS** - Status: Outstanding

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.

33 **Standard S-1 HIGH PILE STORAGE/WAREHOUSE BUILDINGS** - Status: Outstanding

This standard shall apply to all storage occupancies designated as High Pile Storage as defined by the current California Fire Code (CFC), Chapter 32, the San Bernardino County Fire Code and Standards, and any other nationally applicable standards.

34 **Standard W-2 ONSITE FIRE PROTECTION WATER SYSTEMS** - Status: Outstanding

This standard establishes minimum requirements for installation and maintenance of all private fire hydrants and appliances related to an onsite fire protection system.

## **Land Use Services - Land Development**

35 **Additional Drainage Requirements** - Status: Outstanding

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.

36 **BMP Enforcement** - Status: Outstanding

In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by the County Department of Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees, and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

37 **Continuous BMP Maintenance** - Status: Outstanding

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 final Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.

38 **Erosion Control Installation** - Status: Outstanding

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.

39 **Natural Drainage** - Status: Outstanding

The natural drainage courses traversing the site shall not be occupied or obstructed.

40 **Tributary Drainage** - Status: Outstanding

Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.

## **Public Works - Solid Waste Management**

41 **Demolition Debris** - Status: Outstanding

San Bernardino County owned and operated sanitary landfills and transfer stations are not permitted to accept asbestos contaminated wastes, therefore any debris generated by the demolition of structures are subject to asbestos clearance prior to disposal at any San Bernardino County disposal sites. Applicants are required to have a Certified Asbestos Consultant perform testing of all materials to be disposed. Upon receipt of the Consultant's report, indicating that the debris is not contaminated, Solid Waste Management Operations Section will provide applicant with disposal authorization. For more information on Certified Asbestos Consultants please visit <http://www.dir.ca.gov/databases/doshacru/acruList.asp>, or for information on County requirements please contact Solid Waste Operations at 909-386-8701 or [solid.wastemail@dpw.sbcounty.gov](mailto:solid.wastemail@dpw.sbcounty.gov).

42 **Franchise Hauler Service Area** - Status: Outstanding

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 and Recycling).

43 **Mandatory Trash, Organic Waste, and Recycling Service** - Status: Outstanding

This property falls within a Uniform Handling Service area and is subject to California Senate Bill (SB) 1383. All owners of a dwelling or a commercial or industrial unit within the uniform handling area shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement for trash, recycling, and organic waste (includes green waste and food waste) collection services and pay the rates of such services; or apply to the County for a self-haul exemption from uniform handling service. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5.

44 **Recycling and Organic Waste Collection Container Information** - Status: Outstanding

California Assembly Bill (AB) 827 and Senate Bill (SB) 1383 require businesses that sell products meant for immediate consumption and currently provide trash collection containers for their customers to provide recycling and/or organics collection containers adjacent to trash containers at front-of-house, except in restrooms. Full-service restaurants are exempt from these requirements as long as they provide containers for employees to separate post-consumer recyclables and organic waste purchased on the premise for customers.

45 **Recycling Storage Capacity** - Status: Outstanding

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 California Assembly Bill (AB) 2176.

## PRIOR TO LAND DISTURBANCE

### Land Use Services - Planning

46 **Grading/Land Disturbance Condition** - Status: Outstanding

GEOLOGY - Grading: Grading of the subject site should be performed in accordance with the following recommendations as well as applicable portions of the California Building Code, and/or applicable local ordinances.

47 **Grading/Land Disturbance Condition** - Status: Outstanding

GEOLOGY - Receive Fills: After completion of the removals described above and prior to placing fill, the surfaces of all areas to receive fill should be scarified to a depth of at least 12 inches. The scarified soil should be brought to near optimum moisture content and compacted to a relative compaction of at least 90 percent (ASTM D 1557). The data developed during this investigation indicates that removals on the order of 2 to 4 feet will be required from proposed development areas in order to encounter competent alluvium upon which engineered compacted fill can be placed.

48 **County Agency Condition** - Status: Outstanding

Any encroachments on the San Bernardino County Flood Control District's (SBCFCD) road right-of-way or facilities, including but not limited to access, fencing and grading, utility crossings, landscaping, new and/or alteration to drainage connections will require a permit from the SBCFCD prior to start of construction. If you have any questions regarding this process, please contact Johnny Gayman, Chief, SBCFCD Permits Division at (909) 387-1863.

49 **County Agency Condition** - Status: Outstanding

When planning for or altering existing or future storm drains, the Project is subject to the Comprehensive Storm Drain Plan No. 7, dated December 1982. It is to be used as a guideline for drainage in the area and is available in the San Bernardino County Department of Public Works, Flood Control Planning Division offices. Any revision to the drainage should be reviewed and approved by the jurisdictional agency. Flood Control Planning Division (Michael Fam, Chief, 909-387-8120).

50 **Diesel Regulations** - Status: Outstanding

The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. South Coast Air Quality 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.

51 **GHG - Construction Standards** - Status: Outstanding

The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d) Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

52 **Mitigation Measures** - Status: Outstanding

Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to grading permit issuance.

## **Land Use Services - Building and Safety**

53 **Geotechnical Report** - Status: Outstanding

A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits or land disturbance.

54 **Wall Plans** - Status: Outstanding

Submit plans and obtain separate building permits for any required retaining walls.

**Land Use Services - Land Development****55 Drainage Improvements - Status: Outstanding**

A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safety manner that 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.

**56 FEMA Flood Zone - Status: Outstanding**

The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C7910H dated 8/28/2008. No elevation requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

**57 Grading Plans - Status: Outstanding**

Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final 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.

**58 NPDES Permit - Status: Outstanding**

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)

**59 On-site Flows - Status: Outstanding**

On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

**60 Regional Board Permit - Status: Outstanding**

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.

**61 WQMP - Status: Outstanding**

A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained prior to construction. 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. Review processed on an actual cost basis. Copies of the WQMP guidance and template can be found at: (<https://dpw.sbcounty.gov/wqmp-templates-and-forms/>)

**62 WQMP Inspection Fee - Status: Outstanding**

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



## Public Health– Environmental Health Services

### 63 **Vector Control Requirement** - Status: Outstanding

The project area has a high probability of containing vectors. A vector survey shall be conducted to determine the need for any required control programs. A vector clearance application shall be submitted to the appropriate Mosquito & Vector Control Program. For information, contact EHS Mosquito & Vector Control Program at (800) 442-2283 or West Valley Mosquito & Vector at (909) 635-0307.

## Public Works - Surveyor

### 64 **Corner Records Required Before Grading** - Status: Outstanding

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.

### 65 **Monument Disturbed by Grading** - Status: Outstanding

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

## PRIOR TO BUILDING PERMIT ISSUANCE

## Land Use Services - Planning

### 66 **Architecture** - Status: Outstanding

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.

### 67 **Landscape and Irrigation Plan** - Status: Outstanding

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.

### 68 **Lighting Plans** - Status: Outstanding

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

### 69 **Grading/Land Disturbance Condition** - Status: Outstanding

**GEOLOGY** - A qualified geotechnical engineer: No clearing and/or grading operations be performed without the presence of a qualified geotechnical engineer. An on-site, pre-job meeting with the owner, the developer, the contractor, and geotechnical engineer should occur prior to all grading related operations. Operations undertaken at the site without the geotechnical engineer present may result in exclusions of affected areas from the final compaction report for the project.

- 70 **Occupancy Condition** - Status: Outstanding  
Parkway Planting - Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by the County Department of Public Works and Current Planning and shall be maintained by the adjacent property owner.
- 71 **Mitigation Measures** - Status: Outstanding  
Please see Mitigation Monitoring and Reporting Program for mitigation measures to be completed prior to building permit issuance
- 72 **Signs** - Status: Outstanding  
All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards: a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable. b. All sign lighting shall not exceed 0.5 foot-candle. c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety. d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

## County Fire - Community Safety

- 73 **Building Plans** - Status: Outstanding  
Building plans shall be submitted to the Fire Department for review and approval.
- 74 **Combustible Protection** - Status: Outstanding  
Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.
- 75 **Haz-Mat Approval** - Status: Outstanding  
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.
- 76 **Primary Access Paved** - Status: Outstanding  
Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions, including width, vertical clearance and turnouts.
- 77 **Secondary Access Paved** - Status: Outstanding  
Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.
- 78 **Solar** - Status: Outstanding  
Solar / Photovoltaic System Plans. Plans shall be submitted online through EZOP to the Fire Department for review and approval. Plans must be submitted and approved prior to Conditional Compliance Release of Building.

**79 Surface - Status: Outstanding**

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.

**80 Water System - Status: Outstanding**

Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 2250 GPM for a 2 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 28,680 sq.ft. structure.

**81 Water System Certification - Status: Outstanding**

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.

### **Land Use Services - Building and Safety**

**82 Construction Plans - Status: Outstanding**

Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.

**83 Temporary Use Permit - Status: Outstanding**

A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years.

### **Land Use Services - Land Development**

**84 Construction Permits - Status: Outstanding**

Prior to installation of road and drainage improvements, a construction permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 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.

**85 Encroachment Permits - Status: Outstanding**

Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.

**86 Regional Transportation Fee - Status: Outstanding**

This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the San Bernardino Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$1.89 per square foot for Industrial Use, which includes the 28,680 square foot building per the site plan dated 08/02/2022. Therefore, the estimated Regional Transportation Fees for the Project is \$54,205.20. The current Regional Transportation Development Mitigation Plan can be found at the following website:  
<https://www.sbcounty.gov/uploads/DPW/docs/Fee-Schedule-Regional-Plan.pdf>

**87 Road Dedication/Improvements - Status: Outstanding**

The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE) licensed in the State of California: Cajon Boulevard (Major Highway Per Glen Helen Specific Plan – 104 Feet): •Road Dedication. An additional 2-foot grant of easement is required to provide a half-width right-of-way of 52 feet. •Street Improvements. Design curb and gutter with match up paving 40 feet from centerline. •Sidewalks. Design sidewalks per County Standard 109 Type "C". •Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way. •Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.

**88 Road Standards and Design - Status: Outstanding**

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.

**89 Slope Easements - Status: Outstanding**

Slope rights shall be dedicated where necessary.

**90 Slope Tests - Status: Outstanding**

Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of the County Department of Public Works.

**91 Soils Testing - Status: Outstanding**

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 the County and a written report shall be submitted to the Permits/Operations Support Division, Transportation Permits Section of the County Department of Public Works prior to any placement of base materials and/or paving.

**92 Street Gradients - Status: Outstanding**

Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of the County Department of Public Works confirming the adequacy of the grade.

**93 Street Type Entrance - Status: Outstanding**

Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.

**94 Transitional Improvements - Status: Outstanding**

Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.

95 **Utilities** - Status: Outstanding

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.

## **Public Health– Environmental Health Services**

96 **Existing Wells** - Status: Outstanding

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, such as a well certification, shall be submitted to EHS for approval.

97 **Preliminary Acoustical Information** - Status: Outstanding

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 EHS for review and approval. For information and acoustical checklist, contact EHS at (800) 442-2283.

98 **Sewage Disposal** - Status: Outstanding

Method of sewage disposal shall be sewer service provided by City of San Bernardino or an EHS approved onsite wastewater treatment system (OWTS) that conforms to the Local Agency Management Program (LAMP).

99 **Sewer Service Verification Letter** - Status: Outstanding

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).

100 **Water Purveyor** - Status: Outstanding

Water purveyor shall be City of San Bernardino Municipal Water Department or EHS approved.

101 **Water Service Verification Letter** - Status: Outstanding

Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice.

## **Public Works - Solid Waste Management**

102 **Construction Waste Management Plan (CWMP) Part 1** - Status: Outstanding

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. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>. An approved CDWMP Part 1 is required before a permit can be issued. There is a one-time fee of \$150.00 for residential projects/\$530.00 for commercial/non-residential projects

## PRIOR TO OCCUPANCY

### Land Use Services - Planning

103 **GHG - Installation/Implementation Standards** - Status: Outstanding

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 to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:

a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent. b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting. c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

### County Fire - Community Safety

104 **Inspection by the Fire Department** - Status: Outstanding

Permission to occupy or use the building (certificate of Occupancy or shell release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final".

### County Fire - Hazardous Materials

105 **Permit Required** - Status: Outstanding

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 by submitting a complete hazardous materials business plan using the California Environmental Reporting System (CERS) at <http://cers.calepa.ca.gov/> (Hazardous Material Handler Permit, Hazardous Waste Generator Permit, Aboveground Petroleum Storage Tank Permit, Underground Storage Tank Permit, or other applicable permits) or apply for exemption from permitting requirements.

106 **Petroleum Product Storage** - Status: Outstanding

Prior to occupancy, a business or facility handling an aggregate storage capacity of 1,320 gallons or more of petroleum-based product in aboveground storage containers or tanks with a shell capacity equal to or greater than 55 gallons shall prepare and implement a Spill Prevention, Control, and Countermeasure (SPCC) Plan in accordance with 40 CFR 112.3 and CHSC 25270.4.5(a). The SPCC plan shall be maintained on site.

### County of San Bernardino Special Districts

107 **Streetlighting - Sphere** - Status: Outstanding

This project lies within the sphere area of County Service Area 70 Due to your projected use of the property, street lighting may be required. If required, annexation to the district will occur and the developer is requirement to provide the street lighting plans, plan check fees, and (3) three-year advanced energy charges for review and approval. Development plans are to be submitted to the Special Districts Department at 222 W. Hospitality Lane, 2nd Floor, San Bernardino, CA 92415-0450. For additional information on street light plans, please call Streetlighting Section at (909) 386-8821.

### Land Use Services - Building and Safety

108 **Condition Compliance Release Form Sign-off** - Status: Outstanding

Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

## Land Use Services - Land Development

### 109 **Drainage Improvements** - Status: Outstanding

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.

### 110 **WQMP Improvements** - Status: Outstanding

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

### 111 **LDD Requirements** - Status: Outstanding

All LDD requirements shall be completed by the applicant prior to occupancy.

### 112 **Road Improvements** - Status: Outstanding

All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.

### 113 **Structural Section Testing** - Status: Outstanding

A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

## Public Works - Solid Waste Management

### 114 **Construction Waste Management Plan (CDWMP) Part 2** - Status: Outstanding

The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. 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. The developer MUST provide ALL receipts and/or backup documentation for actual disposal/diversion of project waste. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>.

## Public Works - Traffic

### 115 **Improvements** - Status: Outstanding

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

## PRIOR TO RECORDATION

## County Fire - Community Safety

### 116 **Access** - Status: Outstanding

The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. 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. b. 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.



## PRIOR TO FINAL INSPECTION

### County Fire - Community Safety

117 **Combustible Vegetation** - Status: Outstanding

Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less.

118 **Commercial Addressing** - Status: Outstanding

Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.

119 **Fire Alarm - Automatic** - Status: Outstanding

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.

120 **Fire Lanes** - Status: Outstanding

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.

121 **Fire Sprinkler-NFPA #13** - Status: Outstanding

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.

122 **Hydrant Marking** - Status: Outstanding

Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road.

123 **Key Box** - Status: Outstanding

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.

124 **Material Identification Placards** - Status: Outstanding

The applicant shall install Fire Department approved material identification placards on the outside of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A. 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.

125 **Override Switch** - Status: Outstanding

Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.

126 **Roof Certification** - Status: Outstanding

A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design.

127 **Street Sign** - Status: Outstanding

This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.

If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	<a href="https://lus.sbcounty.gov/">https://lus.sbcounty.gov/</a>	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	<a href="https://www.sbcfire.org/">https://www.sbcfire.org/</a>	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	<a href="https://dpw.sbcounty.gov/">https://dpw.sbcounty.gov/</a>	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	<a href="https://dph.sbcounty.gov/programs/ehs/">https://dph.sbcounty.gov/programs/ehs/</a>	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	<a href="http://www.sbclafco.org/">http://www.sbclafco.org/</a>	

	Water and Sanitation	(760) 955-9885
	Administration,	
	Park and Recreation,	
Special Districts	Roads, Streetlights,	(909) 386-8800
	Television Districts, and Other	
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information...</i>







1. NORTH (REAR) FACING ELEVATION  
1" = 20'-0"



2. EAST FACING ELEVATION  
1" = 20'-0"



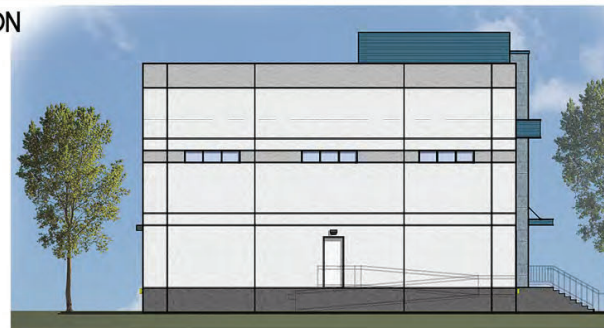
3. SOUTH (STREET) FACING ELEVATION  
1" = 20'-0"

San Bernardino County Planning Commission Land Use Approval, Azhar Khan, Senior Planner

A CONDITIONAL USE PERMIT TO CONSTRUCT A TRUCK TERMINAL WITH A 28,690 SQ. FT. CARGO TERMINAL IN TWO PHASES: 1) PHASE I - 9,360 SQ. FT. CARGO TERMINAL WITH A TRUCK VEHICLE REPAIR SHOP; 2) PHASE II - 19,330 SQ. FT. CARGO TERMINAL LOCATED ON TWO PARCELS TOTALING 9.2-ACRES, AT 19472 CAJON BOULEVARD, WITHIN THE SPECIAL DEVELOPMENT (SD) LAND USE CATEGORY AND GLEN HELEN SPECIFIC PLAN - HEAVY INDUSTRIAL (GHSP-HI) ZONING DISTRICT; APN: 0262-021-09 & 13, CITY OF SAN BERNARDINO SPHERE OF INFLUENCE AREA; 5TH SUPERVISORIAL DISTRICT; PROJ-2021-00066.

Effective Date: March 4, 2024  
Expiration Date: March 4, 2027

4. WEST FACING ELEVATION  
1" = 20'-0"



MM ARCHITECT SERVICES, INC.  
planning • design • architecture

## ELEVATION FINISHES

- |  |  |
|--|--|
|  | A. CONCRETE PANEL, BODY COLOR, DEW385 LIGHTHOUSE   |
|  | B. CONCRETE PANEL, ACCENT LIGHT COLOR, DE 6367 COVERED IN PLATINUM                                     |
|  | C. CONCRETE PANEL, DARK COLOR DE6384 IRON FIXTURE  |
|  | E. ACCENT TILES, SILVER BLUE SLATE TILE NATURAL CLEFT FACE AND BACK, 24X24                             |
|  | F. METAL AWNING AND WALL PANEL, PAC-CLAD COLOR AWARD BLUE  |
|  | G. 1" INSULATED CLEAR VISION GLASS   |
|  | H. DARK BRONZE ANODIZED - ALUMINUM STOREFRONT SYSTEM AND WINDOW FRAME, METAL COPING AND LIGHT FIXTURES |

## SITE DEVELOPMENT ROUTE 66 TRUCK PARKING & CARGO TERMINAL

19472 CAJON BLVD., SAN BERNARDINO, CA 92407  
FOR

PARVIZ RAZAVIAN  
1212 S. MOUNTAIN VIEW AVE.  
SAN BERNARDINO, CA 92408  
PHONE: (909) 894-5020

JANUARY 24, 2024



**CONDITION COMPLIANCE RELEASE  
PRIOR TO ISSUANCE OF  
LAND DISTURBANCE OR GRADING PERMITS**

Attachment D - CCRF

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

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

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

**FOR STAFF USE ONLY**

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

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

**APN:** 0262-021-09 & 13  
**Applicant:** Martina Masarani  
**Community/Supervisor District:** San Bernardino Area/  
5th Supervisorial District  
**Location:** 19472 Cajon Blvd.  
**Project No:** PROJ-2021-00066  
**Staff:** Azhar Khan, Senior Planner  
**Rep:** Martina Masarani  
**Proposal:** A CONDITIONAL USE PERMIT TO CONSTRUCT A TRUCK TERMINAL WITH A 28,680 SQ. FT. CARGO TERMINAL IN TWO PHASES: 1) PHASE I - 9,360 SQ. FT. CARGO TERMINAL WITH A TRUCK VEHICLE REPAIR SHOP, 2) PHASE II - 19,320 SQ. FT. CARGO TERMINAL LOCATED ON TWO PARCELS TOTALING 9.2-ACRES, AT 19472 CAJON BOULEVARD, WITHIN THE SPECIAL DEVELOPMENT (SD) LAND USE CATEGORY AND GLEN HELEN SPECIFIC PLAN – HEAVY INDUSTRIAL (GHSP-HI) ZONING DISTRICT; APN: 0262-021-09 & 13; CITY OF SAN BERNARDINO SPHERE OF INFLUENCE AREA; 5TH SUPERVISORIAL DISTRICT; PROJ-2021-00066.

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

\_\_\_\_\_  
Final Planner Signature

\_\_\_\_\_  
Date

Coordinate the completion of all pre-grading/land disturbance conditions and requirements with the agencies identified above. After the requirements have been satisfied, obtain the signature of the

releasing authority, and return this form to the project planner. Allow at least ten (10) working days for planner review. Upon verification that the requirements have been completed, your project will be released for permit authorization.



## CONDITION COMPLIANCE RELEASE PRIOR TO ISSUANCE OF BUILDING PERMITS

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

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

1. Environmental Health Services
2. Fire Department/Hazardous Materials
3. Fire Department/Fire Community Safety
4. Planning Division/Land Use Svcs. Dept.
5. Dept. of Public Works/Traffic Division
6. Land Development Engineering/Roads
7. Land Development Engineering/Drainage
8. Building & Safety Div/Land Use Svcs. Dept.
9. Department of Public Works/Solid Waste Mgmt

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

### FOR STAFF USE ONLY

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

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

**APN:** 0262-021-09 & 13

**Applicant:** Martina Masarani

**Community/  
Supervisor  
District:** San Bernardino Area/  
5<sup>th</sup> Supervisorial District

**Location:** 19472 Cajon Blvd.

**Project No:** PROJ-2021-00066

**Staff:** Azhar Khan, Senior Planner

**Rep:** Martina Masarani

**Proposal:** A CONDITIONAL USE PERMIT TO CONSTRUCT A TRUCK TERMINAL WITH A 28,680 SQ. FT. CARGO TERMINAL IN TWO PHASES: 1) PHASE I - 9,360 SQ. FT. CARGO TERMINAL WITH A TRUCK VEHICLE REPAIR SHOP, 2) PHASE II - 19,320 SQ. FT. CARGO TERMINAL LOCATED ON TWO PARCELS TOTALING 9.2-ACRES, AT 19472 CAJON BOULEVARD, WITHIN THE SPECIAL DEVELOPMENT (SD) LAND USE CATEGORY AND GLEN HELEN SPECIFIC PLAN – HEAVY INDUSTRIAL (GHSP-HI) ZONING DISTRICT; APN: 0262-021-09 & 13; CITY OF SAN BERNARDINO SPHERE OF INFLUENCE AREA; 5TH SUPERVISORIAL DISTRICT; PROJ-2021-00066.

\_\_\_\_\_  
Final Planner Signature

\_\_\_\_\_  
Date





## CONDITION COMPLIANCE RELEASE FOR PRIOR TO ISSUANCE **OCCUPANCY**/FINAL INSPECTION

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

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

1. Environmental Health Services
2. **Dept of Public Works/Traffic Div**
3. **Fire Department/Community Safety**
4. **Planning Division/Land Use Svcs. Dept.**
5. **Land Development Engineering/Roads**
6. **Land Development Engineering/Drainage**
7. **Building & Safety Div./Land Use Svcs. Dept.**
8. **Department of Public Works/Solid Waste Mgmt**
9. **County Special District Dept.**

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

### FOR STAFF USE ONLY

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

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

**APN:** 0262-021-09 & 13  
**Applicant:** Martina Masarani  
**Community/Supervisor District:** San Bernardino Area/  
5th Supervisorial District  
**Location:** 19472 Cajon Blvd.  
**Project No:** PROJ-2021-00066  
**Staff:** Azhar Khan, Senior Planner  
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To Building and Safety: Planning Department verifies all conditions and requirements are complete. Building permits may be issued.

\_\_\_\_\_  
Final Planner Signature

\_\_\_\_\_  
Date

# 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 8, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Environmental Determination – LAFCO SC#523

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LAFCO SC#523 is an application by the City of San Bernardino (City) to request authorization to provide sewer service outside its corporate boundaries located in the City's unincorporated northwestern sphere of influence. The specific action before the Commission is a request from the City to extend sewer service to a proposed light industrial facility located on two parcels, APNs 0262-021-09 and 0262-021-13, on the east side of Cajon Boulevard, immediately south of the Union Pacific Railroad. If the Commission approves LAFCO SC#523, the project can move forward with development under San Bernardino County jurisdiction, and connect to the City's sewer collection system, which is located adjacent to the site in Cajon Boulevard.

The County prepared an Initial Study and adopted a Mitigated Negative Declaration (MND) for this project to comply with the California Environmental Quality Act (CEQA). This document addressed the whole of the project, which resulted in a Conditional Use Permit being approved on February 22, 2024. LAFCO Staff concurs with this decision and supports the connection of the light industrial facility to the City's sewer system. Thus, the Commission is relying on the adopted Initial Study and MND (attached) for its consideration to comply with CEQA as a Responsible Agency.

After reviewing the Initial Study/MND package, Staff recommends that the Commission rely upon the City's environmental package as adequate for its environmental determination for LAFCO SC#523 as CEQA Responsible Agency. This is because the implementation of the overall project, including the connections to the City's sewer system, will not result in any additional adverse impact on the physical environment than what was already identified in that document. Staff has reviewed the County's data supporting the Initial Study/MND and it contains sufficient data to verify that the project being considered in this out-of-area service contract will not cause greater impacts than forecast in this document. Therefore, staff recommends that the Commission consider the County's adopted environmental documentation as the appropriate CEQA environmental determination for LAFCO SC#523.

Based on our review of LAFCO SC#523 and the pertinent sections of CEQA and the State CEQA Guidelines, Staff believes it is appropriate for the Commission's CEQA environmental determination to cite the County's documentation as adequate in accordance with the Commission's CEQA Responsible Agency status. Under this situation, staff recommends that the Commission take the following steps if it chooses to approve LAFCO SC#523, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff has independently reviewed the County's Initial Study/MND package and found them adequate for the City's proposed out-of-agency service contract.
2. The Commission needs to indicate that it has considered the adopted Initial Study/MND and environmental effects, as outlined in this document, prior to reaching a decision on the project and finds the information substantiating the environmental determination adequate for approval of LAFCO SC#523.
3. The Commission should indicate that it does not intend to adopt new or different alternatives or mitigation measures for this project.
4. File a Notice of Determination with the San Bernardino County Clerk of the Board as a CEQA Responsible Agency.

If you have any questions regarding these recommendations, please feel free to contact LAFCO Staff.

DATE FILED & POSTED

Posted On: 2/23/24

Removed On: 4/8/24

Receipt No: 86-02232024-125

## 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: Azhar Khan - Senior Planner

Phone: 909-387-4002

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): 2022090657

Project Title: Route 66 Truck and Cargo Terminal

Project Applicant: Parviz Razavian

Project Location (include county): 19472 Cajon Boulevard, San Bernardino, CA 92407, San Bernardino County

**Project Description:**

A Conditional Use Permit to construct a truck terminal with a 28,680 sq. ft. cargo terminal on a 9.2-acre lot in two phases: 1) Phase I - 9,360 sq. ft. cargo terminal with a truck vehicle repair shop, 2) Phase II - 19,320 sq. ft. cargo terminal on two parcels approximately 9.2-acres; located at 19472 Cajon Boulevard, within the Glen Helen Specific Plan, zoned Heavy Industrial (GHSP/HI); within the City of San Bernardino Sphere of Influence area; 5th Supervisorial District; APNs: 0262-021-09 and 0262-021-13; Project Number PROJ-2021-00066.

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

described project on February 22, 2024 and has made the following determinations regarding the above (date) described project.

1. The project [ ☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [ ☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [ ☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [ ☐ was ☒ was not] adopted for this project.
6. Findings [ ☒ were ☐ were not] made pursuant to the provisions of CEQA.

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

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

Signature (Public Agency): Azhar Khan Title: Senior Planner

Azhar Khan

Date: 2/22/2024

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

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

Revised 2011

Mitigation Monitoring and Reporting Program  
Initial Study/Mitigated Negative Declaration  
Route 66 Truck Terminal Parking and Cargo Terminal Project

*Prepared by:*



**County of San Bernardino, Land Use Services Department**

385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, California 92415-0182  
*Contact: Azhar Khan, Senior Planner*

**FEBRUARY 2024**

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# 1 Introduction

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The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Route 66 Truck and Cargo Terminal Project when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, transportation, tribal cultural resources, utilities and service systems and wildfire.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

County of San Bernardino  
385 N. Arrowhead Avenue, First Floor  
San Bernardino, California 92415



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## 2 Mitigation Monitoring and Reporting Program Table

Table 1 Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<b><i>Aesthetics</i></b>				
<b>AES-1: Potential glare.</b> Prior to approval of the Final Design, an analysis of potential glare from sunlight or exterior lighting that may impact vehicles traveling on adjacent roadways shall be submitted to the County for review and approval. This analysis shall demonstrate that due to orientation and/or shielding of lighting, no significant glare may be caused that could negatively impact drivers on the adjacent right-of-way or impact adjacent land uses. If potential glare impacts are identified, the lighting orientation, use of non-glare reflective materials or other design solutions acceptable to the County of San Bernardino shall be implemented to eliminate glare impacts.	<p><b>Prior to Issuance of Building Permits</b> A glare analysis shall be completed.</p> <p>In Construction Plans and Specifications.</p>	Project applicant and their construction contractor	County of San Bernardino	
<b><i>Air Quality</i></b>				
<b>AQ-1: Fugitive Dust Control.</b> The following measures shall be incorporated into project plans and specifications for implementation during construction: <ul style="list-style-type: none"> <li>• Apply soil stabilizers to inactive areas.</li> <li>• Prepare a high wind dust control plan and implement plan elements and terminate soil disturbance when winds exceed 25 mph.</li> <li>• Stabilize previously disturbed areas if subsequent construction is delayed.</li> <li>• Apply water to disturbed surfaces and haul roads 3 times/day.</li> <li>• Replace ground cover in disturbed areas quickly.</li> <li>• Reduce speeds on unpaved roads to less than 15 mph.</li> <li>• Trenches shall be left exposed for as short a time as possible.</li> </ul>	<p><b>Prior to Land Disturbance or Grading Permit</b></p> <p><b>Prior to Issuance of Building Permit</b></p>	Project applicant and their construction contractor	County of San Bernardino	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<ul style="list-style-type: none"> <li>Identify proper compaction for backfilled soils in construction specifications.</li> </ul> <p>This measure shall be implemented during construction, and shall be included in the construction contract as a contract specification</p>				
<p><b>AQ-2: Exhaust Emissions Control.</b> The following measures shall be incorporated into Project plans and specifications for implementation:</p> <ul style="list-style-type: none"> <li>Utilize off-road construction equipment that has met or exceeded the maker's recommendations for vehicle/equipment maintenance schedule.</li> <li>Contactors shall utilize Tier 4 or better heavy equipment.</li> <li>Enforce 5-minute idling limits for both on-road trucks and off-road equipment.</li> </ul>	<p><b>Prior to Land Disturbance or Grading Permit</b></p> <p><b>Prior to Issuance of Building Permit</b></p>	Project applicant and their construction contractor	County of San Bernardino	
<p><b>AQ-3: Solar energy.</b> Maximize the use of solar energy including solar panels by installing the maximum possible number of solar energy arrays on the building roofs and/or on the Proposed Project site to generate solar energy for the facility.</p>	<p><b>Prior to Issuance of Building Permit</b></p> <p>In Construction Plans and Specifications.</p>	Project applicant and their construction contractor	County of San Bernardino	
<p><b>AQ-4: Electric Landscaping Equipment.</b> Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.</p>	<b>On-going.</b>	Tenant/Property Owner	County of San Bernardino Code Enforcement Division.	
<p><b>AQ-5: HEPA filters.</b> Require use of electric or alternatively fueled sweepers with HEPA filters.</p>	<b>On-going.</b>	Tenant/Property Owner	County of San Bernardino Code Enforcement Division.	
<p><b>AQ-6: Planting of Trees.</b> Maximize the planting of trees in landscaping and parking lots consistent with water availability.</p>	<p><b>Prior to Issuance of Building Permits.</b></p> <p>In Construction Plans and Specifications.</p>	Project applicant and their construction contractor	County of San Bernardino	
<p><b>AQ-7: Roofing Materials.</b> Use light colored paving and roofing materials.</p>	<b>Prior to Issuance of Building Permits.</b>	Project applicant and their construction contractor	County of San Bernardino	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
	In Construction Plans and Specifications.			
<b>AQ-8: Energy Star.</b> Utilize only Energy Star heating, cooling, lighting devices, and appliances, where applicable.	<b>Prior to Issuance of Building Permits.</b>  In Construction Plans and Specifications.	Project applicant and their construction contractor	County of San Bernardino	
<b>Biological Resources</b>				
<b>BIO-1: Nesting bird surveys.</b> Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).	<b>Prior to issuance of Land Disturbance or Grading Permit</b>  This measure shall be implemented prior or during to initiation of construction depending on the specifications of the measure. Any mitigation measures that are identified shall be implemented in the time frame specified by the qualified biologist.	Project applicant and their construction contractor – Survey to be completed by a Qualified Biologist	County of San Bernardino	
<b>Cultural Resources</b>				
<b>CUL-1: Inadvertent Discoveries.</b> Should any cultural resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and	<b>During construction</b>	Project applicant and their construction contractor	County of San Bernardino and Project Applicant/Contractor	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
an onsite inspection shall be performed immediately by a qualified archaeologist. Responsibility for making this determination shall be with the County. The archaeological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.				
<b>Geology and Soils</b>				
<b>GEO-1:</b> Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. Where covering is not possible, measures such as the use of straw bales or sand bags shall be used to capture and hold eroded material on the project site for future cleanup such that erosion does not occur.	<b>On-going</b>	Project applicant and their construction contractor	County of San Bernardino	
<b>GEO-2:</b> All exposed, disturbed soil (trenches, stored backfill, etc.) shall be sprayed with water or soil binders twice a day, or more frequently if fugitive dust is observed migrating from the site within which the project is being constructed.	<b>On-going</b>	Project applicant and their construction contractor	County of San Bernardino	
<b>GEO-3:</b> Based upon the geotechnical investigation (Appendix 4a of this document), all of the recommended design and construction measures identified in Appendix 4a (listed on Pages 8-9, and 10-21) shall be implemented by the Applicant. Implementation of these specific measures will address all of the identified geotechnical constraints identified at project site, including soil stability on future project-related structures.	<b>Prior to Issuance of Building Permits.</b>  The design measures shall be incorporated into final site and building design and implement during construction.	Project applicant and their construction contractor	County of San Bernardino	
<b>GEO-5:</b> The Applicant shall retain the services of a Qualified Paleontologist meeting the standards of SVP (2010). The Qualified Paleontologist shall determine the depth at which the transition to high sensitivity occurs and monitoring becomes necessary, by taking into account: a) the most recent local geologic	<b>During construction</b>  The monitor shall be retained for the duration of ground disturbing activities	Project applicant and their construction contractor	County of San Bernardino and Project Applicant/Contractor	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
mapping, b) depths at which fossils have been found in the vicinity of the project area, as revealed by the museum records search, and c) geotechnical studies of the project area, if available. Should the project require excavation that will exceed the depth of low sensitivity surficial sediments as determined by a Qualified Paleontologist, a project-specific paleontological resources monitoring and mitigation plan (PRMMP) shall be developed and adhered to for the duration of ground disturbance activities during construction or as otherwise determined by the Qualified Paleontologist. This plan will address specifics of monitoring and mitigation for the development project, and will take into account updated geologic mapping, geotechnical data, updated paleontological records searches, and any changes to the regulatory framework. This PRMMP shall meet the standards of the SVP (2010).	as a contract specification and implemented by the contractor during construction. Any response to exposed resources shall occur during construction. Any reports documenting management and findings for accidentally exposed resources shall be completed within one year of the discovery,			
<b>Hazards and Hazardous Materials</b>				
<b>HAZ-1:</b> All accidental spills or discharge of hazardous material during construction activities shall be reported to the Certified Unified Program Agency and shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately a licensed disposal or treatment facility. This measure shall be incorporated into the SWPPP prepared for the proposed project. Prior to accepting the site as remediated, the area contaminated shall be tested to verify that any residual concentrations meet the standard for future residential or public use of the site.	<b>Prior to issuance of Land Disturbance or Grading Permit</b>  These measures shall be identified in the project Stormwater Pollution Prevention Plan (SWPPP) and implemented during construction.	Project applicant and their construction contractor	County of San Bernardino	
<b>Hydrology</b>				
<b>HYD-1:</b> The project proponent will select best management practices from the range of practices identified by the County and reduce future non-point source pollution in surface water runoff discharges from the site to the maximum extent practicable, both	<b>Prior to issuance of Land Disturbance or Grading Permit</b>	Project applicant and their construction contractor	County of San Bernardino	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
during construction and following development. The Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP) shall be submitted to the County for review and approval prior to ground disturbance and the identified BMPs installed in accordance with schedules contained in these documents.				
<b>Noise</b>				
<b>NOI-1:</b> All construction vehicles and fixed or mobile equipment shall be equipped with operating and maintained mufflers.	<b>During construction</b>  This measure shall be implemented during construction and included in the contract with the construction contractor.	Project applicant and their construction contractor	County of San Bernardino	
<b>NOI-2:</b> All employees that will be exposed to noise levels greater than 75 dB over an 8 hour period shall be provided adequate hearing protection devices to ensure no hearing damage will result from construction activities.	<b>During construction</b>  This measure shall be implemented during construction and included in the contract with the construction contractor.	Project applicant and their construction contractor	County of San Bernardino	
<b>NOI-3:</b> No construction activities shall occur during the hours of 7 PM through 7 AM, Monday through Saturday; at no time shall construction activities occur on Sundays or holidays, unless a declared emergency exists.	<b>During construction</b>  This measure shall be implemented during construction and included in the contract with the construction contractor.	Project applicant and their construction contractor	County of San Bernardino	
<b>NOI-4:</b> Equipment not in use for five minutes shall be shut off.	<b>During construction</b>	Project applicant and their construction contractor	County of San Bernardino	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
	This measure shall be implemented during construction and included in the contract with the construction contractor.			
<b>NOI-5:</b> Equipment shall be maintained and operated such that loads are secured from rattling or banging.	<b>During construction</b>  This measure shall be implemented during construction and included in the contract with the construction contractor.	Project applicant and their construction contractor	County of San Bernardino	
<b>NOI-6:</b> Construction employees shall be trained in the proper operation and use of equipment consistent with these mitigation measures, including no unnecessary revving of equipment.	<b>During construction</b>  This measure shall be implemented during construction and included in the contract with the construction contractor.	Project applicant and their construction contractor	County of San Bernardino	
<b>NOI-7:</b> The Applicant shall require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by the County.	<b>During construction</b>  This measure shall be implemented during construction and included in the contract with the construction contractor.	Project applicant and their construction contractor	County of San Bernardino	
<b>NOI-8:</b> Construction staging areas shall be located as far from adjacent sensitive receptor locations as possible, for example toward the western boundary of the site.	<b>During construction</b>  This measure shall be implemented	Project applicant and their construction contractor	County of San Bernardino	



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
	during construction and included in the contract with the construction contractor.			
<b>NOI-9:</b> The truck access gates, scattered parking lot spaces, and loading docks on the Project site shall be posted with signs which state: <ul style="list-style-type: none"> <li>Truck drivers shall turn off engines when not in use;</li> <li>Diesel trucks servicing the Project shall not idle for more than five (5) minutes; and</li> <li>Post telephone numbers of the building facilities manager to report idling violations.</li> </ul>	<b>On-going</b>  This measure shall be implemented during operation, and shall be in place for the entire duration of operation.	Building Operator	County of San Bernardino	
<b>NOI-10:</b> The Applicant shall maintain quality pavement conditions on the property that are free of vertical deflection (i.e. speed bumps) to minimize truck noise.	<b>On-going</b>  This measure shall be implemented during operation, and shall be in place for the entire duration of operation.	Building Operator	County of San Bernardino	
<b>Transportation</b>				
<b>TRAN-1:</b> The County shall mandate that the Applicant require their contractors prepare a construction traffic control plan. Elements of the plan should include, but are not necessarily limited to, the following: <ul style="list-style-type: none"> <li>Develop circulation and detour plans, if necessary, to minimize impacts to local street circulation. Use haul routes minimizing truck traffic on local roadways to the extent possible.</li> <li>To the extent feasible, and as needed to avoid adverse impacts on traffic flow, schedule truck trips outside of peak morning and evening commute hours.</li> <li>Install traffic control devices as specified in Caltrans' Manual of Traffic Controls for Construction and</li> </ul>	<b>Prior to Issuance of Building Permits.</b>  The Construction Traffic Management Plan shall be compiled and approved prior to the initiation of construction.	Project applicant and their construction contractor	County of San Bernardino	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>Maintenance Work Zones where needed to maintain safe driving conditions. Use flaggers and/or signage to safely direct traffic through construction work zones.</p> <ul style="list-style-type: none"> <li>For roadways requiring lane closures that would result in a single open lane, maintain alternate one way traffic flow and utilize flagger-controls.</li> <li>Coordinate with facility owners or administrators of sensitive land uses such as police and fire stations, hospitals, and schools. Provide advance notification to the facility owner or operator of the timing, location, and duration of construction activities.</li> </ul>				
<p><b>TRAN-2:</b> The County shall require that all disturbances to public roadways be repaired in a manner that complies with the Standard Specifications for Public Works Construction (green book) or other applicable County of San Bernardino standard design requirements.</p>	<p><b>Prior to Final</b></p> <p>This measure shall be implemented during construction and included in the contract with the construction contractor.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	
<b><i>Tribal Cultural Resources</i></b>				
<p><b>TCR-1:</b> Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities</p> <p>A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground- disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing,</p>	<p><b>Prior to issuance of Land Disturbance or Grading Permit</b></p> <p>This measure shall be implemented during construction and followed through until final disposition of such resources has been achieved.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the Lead Agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground- disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for The project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to The project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p> <p>E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery</p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the including for educational, cultural and/or historic purposes.				
<b>TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects</b> A. 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 Public Resources Code Section 5097.98, are also to be treated according to this statute. B. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain 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 they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed. C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).	<b>During Construction</b>  This measure shall be implemented during construction and followed through until final disposition of such resources has been achieved.	Project applicant and their construction contractor	County of San Bernardino	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)</p> <p>E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. 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 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.</p> <p>F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>				
<p><b>TCR-3: Procedures for Burials and Funerary Remains:</b></p> <p>A. As the Most Likely Descendant (MLD), the Koonas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient times, 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.</p> <p>B. If the discovery of human remains includes four or more burials, the discovery location shall be</p>	<p><b>During Construction</b></p> <p>This measure shall be implemented during construction and followed through until final disposition of such resources has been achieved.</p>	<p>Project applicant and their construction contractor</p>		

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>treated as a cemetery and a separate treatment plan shall be created.</p> <p>C. 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. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.</p> <p>D. 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.</p> <p>E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, 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.</p> <p>F. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary</p>				

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>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.</p> <p>G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall 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.</p>				
<b>Utilities and Service Systems</b>				
<p><b>UTL-1:</b> If recycled water becomes available at the project site, the Applicant shall connect to this system and utilize recycled water for landscape irrigation and for field irrigation, and any other feasible uses of recycled water on the project site.</p>	<p><b>On-going</b></p> <p>This measure shall be included in the project design and shall be implemented once operational.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	
<b>Wildfire</b>				
<p><b>WF-1:</b> During site clearing within the project site when any electrical construction equipment is in use, the construction crew shall have fire prevention equipment (such as fire extinguishers, emergency sand bags, etc.)</p>	<p><b>During Construction</b></p> <p>This measure shall be implemented during construction</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
to put out any accidental fires that could occur from the use of electrical construction/maintenance equipment.	and included in the contract with the construction contractor.			



**SAN BERNARDINO COUNTY  
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

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This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the California Environmental Quality Act (CEQA) Guidelines.

**PROJECT LABEL**

<b>APNs:</b>	0262-021-09 and 0262-021-13	<b>USGS Quad:</b>	Devore, CA
<b>Applicant:</b>	Parviz Razavian 1212 S. Mountain View Avenue San Bernardino, CA 92408	<b>T, R, Section:</b>	T1N, R5W, Section 2
<b>Location:</b>	The project is located along Cajon Boulevard in the County of San Bernardino, CA 92407. The Project is located east of Cajon Blvd. and west of the railway tracks. The northernmost corner of the site is located just south of where Cajon Blvd. and the railroad intersect. The approximate GPS coordinates of the project site are 34.202894, -117.38217.	<b>Thomas Bros:</b>	N/A
<b>Project No:</b>	PROJ-2021-00066	<b>Community Plan:</b>	N/A
<b>Rep:</b>	Martina Masarani, Architect MM ARCHITECT SERVICES, INC.	<b>LUZD:</b>	LUC: Special Development Glen Helen Specific Plan-Heavy Industrial (GH/SP-HI)
<b>Proposal:</b>	A Conditional Use Permit for a phased development to construct a truck terminal with a 28,680 sq. ft. cargo terminal; Phase 1 – 9,360 sq. ft. cargo terminal with a truck vehicle repair shop and Phase 2 – 19,320 sq. ft. cargo terminal on two parcels	<b>Overlays:</b>	Biotic Resources (BR) for Burrowing Owl, Fire Safety (FS) Liquefaction-High

**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:** Azhar Khan, Senior Planner  
**Phone No:** 909-387-4002  
**E-mail:** [Azhar.Khan@lus.sbcounty.gov](mailto:Azhar.Khan@lus.sbcounty.gov)

**PROJECT DESCRIPTION**

**Existing Site Conditions**

The proposed project site is located in the Valley Region of San Bernardino County, within the sphere of influence of City of San Bernardino. The proposed project site lies just north of and outside of the City of San Bernardino City Limits. Figures 1 and 2 provide a regional and local context, respectively, of the project location.

The project site is currently vacant, is covered entirely by weeds and vegetation. The San Bernardino Countywide Policy Plan Land Use designation is Special Development (SD), while the Zoning classification is Heavy Industrial (HI) under the Glen Helen Specific Plan. The land uses bordering the project site are outlined in Table 1 below:

**Table 1**  
**EXISTING LAND USE AND LAND USE ZONING DISTRICTS**

Location	Existing Land Use	Land Use Zoning District
<b>Project Site</b>	Vacant	Heavy Industrial (HI)
North	BNSF Railroad tracks and Truck Terminal	Corridor Industrial (CI)
South	High-cube Warehouse	Heavy Industrial (HI)
East	BNSF Railroad tracks	Corridor Industrial (CI)
West	Vacant (Pending Application PROJ-2022-00019)	Corridor Industrial (CI)

## **Project Overview**

### Introduction

The Applicant is proposing a phased development to construct a truck terminal with 28,680 sq. ft. cargo terminal; Phase 1 – 9,360 sq. ft. cargo terminal with a truck vehicle repair shop and Phase 2 – 19,320 sq. ft. cargo terminal on two parcels. The proposed project would enable truckers to stage loads and redistribute goods. The proposed use would support surrounding uses, as several warehouses serving a variety of corporations occur in the area, including FedEx, Tesla, Bob's Furniture, LG, HP, etc. The project would develop the proposed truck parking and terminal within a 9.51-acre site located along Cajon Boulevard in Unincorporated San Bernardino County (Figure 3). After the road dedication, the site will be 9.2-acres, and as such, 9.2 acres is utilized throughout the

### Project Description

The proposed project would install a truck terminal and truck parking and a 28,680 sq. ft. cargo terminal, refer to the site plan provided as Figure 3. The site would consist of 68,270 SF landscaping equal to 17.1% of the lot coverage, truck and automobile parking, and a 28,680 SF truck terminal structure. This structure will include a 25,160 SF of warehouse / loading area, a 2,250 SF of office area, 800 SF motor repair, and a 470 SF utility/electrical room. The building height is planned to be 41 feet, with the maximum building height for a site zoned for Heavy Industrial use at 75 feet.

The automobile parking required for a facility of this size is about 32 spaces, and the proposed project will provide 35 automobile parking spaces. This includes 30 regular stalls, 1 van handicapped stall, 2 standard handicapped stalls. Of these spaces, 6 would be for electric vehicles (EV), one of which would be a van handicapped stall. The site will provide 92 truck/trailer parking spaces, with 32 loading dock spaces. This is illustrated on Figure 3, the site plan.

Access to the site is provided through two new driveways along Cajon Boulevard. The site will contain a wrought iron fence that will be 6' high at the front yard, and 8' high at the interior and rear yards. Additionally, there will be a 6' high masonry and wrought iron combo screen wall in the front yard between the two access driveways.

The project would be consistent with the zoning designation for the project, as the intent of the Heavy Industrial zone is to provide for certain industrial uses that include primary outdoor storage. The Heavy Industrial zone is generally located in areas that are served by the railroad, are not visible from Scenic Corridors, and/or allow for additional screening from public views.

### Utility Connections

The project site would require connections to sewer, water, electricity, and telecommunications. Southern California Edison would serve the project with electricity. Natural gas in the area is provided by SoCalGas. San Bernardino Municipal Water Department would serve the project with wastewater collection and water distribution services. Telecommunication services would be provided by AT&T and Time Warner Cable. The project would connect to these services at access points along/within Cajon Boulevard.

### Operational Scenario

The Route 66 Truck Parking and Cargo Terminal Project will operate 7 days per week and 24 hours per day with an estimated maximum of 10 employees per shift with 3 shifts per day.

### Construction Scenario

The proposed project is expected to begin construction of the Route 66 Truck Parking and Cargo Terminal Project in the early-to-mid 2024. It is estimated that construction of the proposed project will be completed by approximately one year from construction start date.

The project will require clearing, grading and compacting native soil on approximately 9.2-acres of undeveloped land. Vegetation that requires removal will be hauled off site for processing. Development of the site would require site preparation (i.e., clearing, grading, and excavation), paving and landscaping of the whole of the site, as well as construction of the parking lot and the associated structure. The Project is anticipated to require minimal cut and fill with any cut being reused to balance of the site through grading, which will minimize import/export of material.

It is anticipated that a maximum number of 50 employees will be required to support the construction of the Project each day. Delivery of construction supplies and removal of any excavated materials, if necessary, will be accomplished using trucks during normal working hours, with a maximum of 50 round trips per day. Grading will be carried out by traditional mechanized grading and compaction equipment. Equipment utilized will be traditional site development equipment of scrapers, wheel compactors, vibratory compactors, water trucks, petroleum powered fork lifts, and various hand tools traditional to grading operations. For the areas that require paving, such as the new parking area, the asphalt or concrete will be delivered to the site and applied to these areas in a routine manner. It is the intent of the Applicant to attenuate noise, traffic, and dust during the course of construction.

### Application with the County

The Applicant requires a Conditional Use Permit from the County to construct the truck parking and truck terminal.

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



**Exhibit 1: View looking Northeast along Cajon Boulevard at the Project site.**



**Exhibit 2: View looking Southeast along Cajon Boulevard at the Project site**

**ADDITIONAL APPROVALS THAT MAY BE REQUIRED BY OTHER PUBLIC AGENCIES**

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

- Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) for a NPDES general construction stormwater discharge permit. This permit is granted by submittal of an NOI to the SWRCB, but is enforced through a Storm Water Pollution Prevention Plan (SWPPP) that identifies construction best management practices (BMPs) for the site. In the project area, the Santa Ana Regional Water Quality Control Board enforces the BMP requirements described in the NPDES permit by ensuring construction activities adequately implement a SWPPP. Implementation of the SWPPP is carried out by the construction contractor, with the Regional Board and County providing enforcement oversight.
- San Bernardino County Fire Department: Project Approval
- In order to receive water and wastewater collection service from the City of San Bernardino Municipal Water Department, an Out of Area Service Agreement will need to be obtained from the San Bernardino County Local Agency Formation Commission.

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

AB 52 has been initiated. On December 6, 2021, the County of San Bernardino staff notified the following tribes pursuant to AB 52: 1) Colorado River Indian Tribes, 2) Fort Mojave Indian Tribe, 3) Gabrieleño Band of Mission Indians – Kizh Nation, 4) Morongo Band of Mission Indians, 5) San Gabriel Band of Mission Indians, 6) San Manuel Band of Mission Indians, and 7) Soboba Band of Luiseno Indians. The Gabrieleño Band of Mission Indians - Kizh Nation was the only tribe who requested for consultations.

## **EVALUATION FORMAT**

This Initial Study is prepared in compliance with the California Environmental Quality Act, Public Resources Code section 21000, et seq. (CEQA) 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 CEQA Guidelines. This format of the study is presented as follows. The project is evaluated based on its effect on 18 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant	No Impact
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Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

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

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

## **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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


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




**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 will 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.

  
\_\_\_\_\_  
Signature (prepared by Azhar Khan, Senior Planner)

12.4.2023  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature (Chris Warrick, Supervising Planner)  
Land Use Services Department/Planning Division

12-4-2023  
\_\_\_\_\_  
Date

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

## **I. AESTHETICS**

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

### **a) Have a substantial adverse effect on a scenic vista?**

Adverse impacts to scenic vistas can occur in one of two ways. First, an area itself may contain existing scenic vistas that would be altered by new development. The proposed project is located on a vacant site containing native vegetation and scattered weeds. A review of the project area determined that there are no scenic vistas located internally within the area proposed for the development of the Route 66 Truck Parking and Cargo Terminal Project, particularly given the project's located set between the railroad tracks and Cajon Boulevard. A scenic vista impact can also occur when a scenic vista can be viewed from the project area or immediate vicinity and a proposed development may interfere with the view to a scenic vista. The project is situated in the Valley Region of the County of San Bernardino. Development at this location would not interfere with mountain views to the North or any surrounding mountain views, particularly as the uses surrounding the project are industrial in nature. The proposed project is located within a site slopes upward slightly from south to north as the adjacent roadway slopes downward from south to north to accommodate traffic flow under the railroad bridge. The railroad is also elevated when compared to the project site. Much of the proposed project consists of parking areas, and as such will be flat, but the project does include the development of a structure that would be no more than 75 feet in height that would be designed to accommodate truck loading and a truck terminal. Given that there are no pristine viewpoints in the vicinity the project from which to observe the mountain vistas, the development of the 75 foot tall structure in this area of the County is not considered significant. The project site is currently vacant, containing native vegetation and weeds. The proposed use of this site would be consistent with the surrounding uses which include an auto yard, logistics centers, and warehouses. Additionally, a similar truck terminal and parking use is anticipated to be developed on the parcel adjacent to the site on the north side of the railroad tracks. As such, implementation of the proposed development is not expected to cause any substantial effects on any important scenic vistas. This potential impact is considered a less than significant adverse aesthetic impact. No mitigation is required.



### **Less Than Significant Impact**

- b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. The project site is located on Cajon Boulevard, which is not considered by the State to be a scenic highway. The County's recently adopted General Plan—the "Countywide Plan"<sup>1</sup>—identifies several county scenic routes as shown on Figure I-1, but none are in close proximity to the proposed project. No historic buildings are located within the area proposed that would be disturbed as part of the proposed project. No rock outcroppings would be impacted by the proposed project, as none have been observed within the project site. As stated under issue I(a), above, the proposed project consists of native vegetation and weeds, with no trees on site that would fall under the County's tree ordinance. No other scenic resources have been identified on the site. Therefore, the project would have a less than significant potential to substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

### **Less Than Significant Impact**

- c) *In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning or other regulations governing scenic quality?*

The proposed Route 66 Truck Parking and Cargo Terminal Project is located within a relatively urbanized area with industrial uses making up a significant portion of the surrounding uses. The proposed project is located in a relatively developed portion of the County, though there are a few vacant parcels in the immediate vicinity of the project site. The project will include landscaping as required by the County for Heavy Industrial uses, which will ensure that the site does not degrade the visual character of the site or the area. By developing this vacant site in accordance with County design guidelines for Heavy Industrial uses, as well as with the Glen Helen Valley Region Specific Plan and in accordance with site development plans, the visual character of this site and its surroundings will be enhanced. Thus, with the design elements incorporated in the project, implementation of the County's design standards will minimize the potential aesthetic impacts to a less than significant level.

### **Less Than Significant Impact**

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Implementation of the proposed project will create new sources of light during the construction and operational phases of the project. Existing sources of light in the project area include streetlights, headlights and lighting from the adjacent roadways, lighting from the adjacent railway, and lighting from nearby industrial, logistics and warehouse uses. The San Bernardino County Development Code requires new projects to adhere to the provisions of the Chapter 83.07.030 Glare and Outdoor Lighting – Valley Region. The Development Code requires that outdoor lighting—which the project will require to light the Truck Parking area—of commercial or industrial land uses shall be fully shielded to preclude light pollution or light trespass on (1) An abutting residential land use zoning district; (2) A residential parcel; or (3) Public right-of-way (ROW). While the proposed project will generate a new source of lighting, the project lighting will occur removed from residences; however,

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<sup>1</sup> <http://countywideplan.com/theplan/>

it will generate light sources adjacent to public ROW. Compliance with the provisions outlined in San Bernardino County Development Code 83.07.030 Glare and Outdoor Lighting – Valley Region is a mandatory requirement for all new construction and as such will be required to develop the proposed project. A lighting and glare analysis shall be prepared to ensure that the public ROW is not impacted by the introduction of new light sources and potential glare from the proposed project. With implementation of **Mitigation Measure AES-1** and compliance with the County Development Code, potential light and glare impacts associated with the proposed project will be reduced to a less than significant level. Therefore, to protect vehicles traveling on adjacent roadways, the following mitigation measures shall be implemented:

**Mitigation Measures**

**AES-1** *Prior to approval of the Final Design, an analysis of potential glare from sunlight or exterior lighting that may impact vehicles traveling on adjacent roadways shall be submitted to the County for review and approval. This analysis shall demonstrate that due to orientation and/or shielding of lighting, no significant glare may be caused that could negatively impact drivers on the adjacent right-of-way or impact adjacent land uses. If potential glare impacts are identified, the lighting orientation, use of non-glare reflective materials or other design solutions acceptable to the County of San Bernardino shall be implemented to eliminate glare impacts.*

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>II. AGRICULTURE AND FORESTRY RESOURCES:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Will the project:				
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## **II. AGRICULTURE AND FORESTRY RESOURCES**

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

- 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?*

The Route 66 Truck Parking and Cargo Terminal Project is located in an area that is urbanized. Neither the project site nor the adjacent and surrounding properties are designated for agricultural use; no agricultural activities exist in the project area; and there is no potential for impact to any agricultural uses or values as a result of project implementation. According to the San Bernardino Countywide Plan Agricultural Resources Map (Figure II-1), the proposed project has not been

designated for agricultural use; no prime farmland, unique farmland, or farmland of statewide importance exists within the vicinity of the proposed project. No adverse impact to any agricultural resources would occur from implementing the proposed project. No mitigation is required.

**No Impact**

- b) *Conflict with existing zoning for agricultural use or a Williamson Act contract?*

There are no agricultural uses currently on the project site or on adjacent properties. The project site is zoned for Heavy Industrial (HI) and the General Plan land use designation is Heavy Industrial (HI). No potential exists for a conflict between the proposed project and agricultural zoning or Williamson Act contracts within the project area. No mitigation is required.

**No Impact**

- 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))?*

Please refer to issues II(a) and II(b) above. The project site is in an urbanized area and neither the land use designation (HI) nor zoning classification (HI) supports forest land or timberland uses or designations. No potential exists for a conflict between the proposed project and forest/timberland zoning. No mitigation is required.

**No Impact**

- d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

There are no forest lands within the project area, which is because the project area is urbanized and removed from nearby mountains, where much of the County's forestry is located. No potential for loss of forest land would occur if the project is implemented. No mitigation is required.

**No Impact**

- 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?*

Because the project site and surrounding area do not support either agricultural or forestry uses and, furthermore, because the project site and environs are not designated for such uses, implementation of the proposed project would not cause or result in the conversion of farmland or forest land to alternative use. No adverse impact would occur. No mitigation is required.

**No Impact**

**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 Impact</i>	<i>No Impact</i>
<b>III. AIR QUALITY:</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Will the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>

### **III. AIR QUALITY**

**SUBSTANTIATION:** The following information utilized in this section was obtained from the technical study “Air Quality and GHG Impact Analyses, Route 66 Truck Parking and Cargo Terminal Project, County Of San Bernardino, California” prepared by Giroux & Associates dated November 5, 2023, and provided as Appendix 1 to this document.

#### **Background**

##### *Climate*

The climate of the eastern San Bernardino Valley, as with all of Southern California, is governed largely by the strength and location of the semi-permanent high-pressure center over the Pacific Ocean and the moderating effects of the nearby vast oceanic heat reservoir. Local climatic conditions are characterized by very warm summers, mild winters, infrequent rainfall, moderate daytime on-shore breezes, and comfortable humidity levels. Unfortunately, the same climatic conditions that create such a desirable living climate combine to severely restrict the ability of the local atmosphere to disperse the large volumes of air pollution generated by the population and industry attracted in part by the climate.

The project will be situated in an area where the pollutants generated in coastal portions of the Los Angeles basin undergo photochemical reactions and then move inland across the project site during the daily sea breeze cycle. The resulting smog at times gives San Bernardino County some of the worst air quality in all of California. Fortunately, significant air quality improvement in the last decade suggests that healthful air quality may someday be attained despite the limited regional meteorological dispersion potential.

##### *Air Quality Standards*

Existing air quality is measured at established South Coast Air Quality Management District (SCAQMD) air quality monitoring stations. Monitored air quality is evaluated in the context of ambient air quality standards. These standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect the public health and welfare. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) currently in effect are shown in Table III-1. Because the State of California had established Ambient Air Quality Standards (AAQS) several years before the federal action and because of unique air quality problems introduced by the restrictive dispersion meteorology, there is

considerable difference between state and national clean air standards. Those standards currently in effect in California are shown in Table III-1. Sources and health effects of various pollutants are shown in Table III-2.

**Table III-1  
AMBIENT AIR QUALITY STANDARDS**

Pollutant	Average Time	California Standards <sup>1</sup>		National Standards <sup>2</sup>		
		Concentration <sup>3</sup>	Method <sup>4</sup>	Primary <sup>3,5</sup>	Secondary <sup>3,6</sup>	Method <sup>7</sup>
Ozone (O3) <sup>8</sup>	1 Hour	0.09 ppm (180 µg/m³)	Ultraviolet Photometry	–	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m³)		0.070 ppm (137 µg/m³)		
Respirable Particulate Matter (PM10) <sup>9</sup>	24 Hour	50 µg/m³	Gravimetric or Beta Attenuation	150 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m³		–		
Fine Particulate Matter (PM2.5) <sup>9</sup>	24 Hour	–	–	35 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m³	Gravimetric or Beta Attenuation	12.0 µg/m³	15.0 µg/m³	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m³)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m³)	–	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9 ppm (10 mg/m³)		9 ppm (10 mg/m³)	–	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m³)		–	–	
Nitrogen Dioxide (NO2) <sup>10</sup>	1 Hour	0.18 ppm (339 µg/m³)	Gas Phase Chemiluminescence	100 ppb (188 µg/m³)	–	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)		0.053 ppm (100 µg/m³)	Same as Primary Standard	
Sulfur Dioxide (SO2) <sup>11</sup>	1 Hour	0.25 ppm (655 µg/m³)	Ultraviolet Fluorescence	75 ppb (196 µg/m³)	–	Ultraviolet Flourescence; Spectrophotometry (Paraosaniline Method)
	3 Hour	–		–	0.5 ppm (1300 µg/m³)	
	24 Hour	0.04 ppm (105 µg/m³)		0.14 ppm (for certain areas) <sup>11</sup>	–	
	Annual Arithmetic Mean	–		0.030 ppm (for certain areas) <sup>11</sup>	–	
Lead 8 <sup>12,13</sup>	30-Day Average	1.5 µg/m³	Atomic Absorption	–	–	–
	Calendar Quarter	–		1.5 µg/m³ (for certain areas) <sup>12</sup>	Same as Primary Standard	High Volume Sampler and Atomic Absorption
	Rolling 3-Month Avg	–		0.15 µg/m³		
Visibility Reducing Particles <sup>14</sup>	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	No  Federal  Standards		
Sulfates	24 Hour	25 µg/m³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m³)	Ultraviolet Fluorescence			
Vinyl Chloride <sup>12</sup>	24 Hour	0.01 ppm (26 µg/m³)	Gas Chromatography			

Source: California Air Resources Board 5/4/16

Footnotes:

- 1 California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter – PM<sub>10</sub>, PM<sub>2.5</sub>, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- 2 National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight-hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM<sub>10</sub>, the 24-hour standard is attained when the expected number of days per calendar year, with a 24-hour average concentration above 150 µg/m<sup>3</sup>, is equal to or less than one. For PM<sub>2.5</sub>, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.
- 3 Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- 4 Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
- 5 National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- 6 National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- 7 Reference method as described by the EPA. An "equivalent method" of measurement may be used but must have a "consistent relationship to the reference method" and must be approved by the EPA.
- 8 On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
- 9 On December 14, 2012, the national PM<sub>2.5</sub> primary standard was lowered from 15 µg/m<sup>3</sup> to 12.0 µg/m<sup>3</sup>. The existing national 24-hour PM<sub>2.5</sub> standards (primary and secondary) were retained at 35 µg/m<sup>3</sup>, as was the annual secondary standard of 15 µg/m<sup>3</sup>. The existing 24-hour PM<sub>10</sub> standards (primary and secondary) of 150 µg/m<sup>3</sup> also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
- 10 To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- 11 On June 2, 2010, a new 1-hour SO<sub>2</sub> standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO<sub>2</sub> national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.  
  
Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
- 12 The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- 13 The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m<sup>3</sup> as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
- 14 In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

**Table III-2  
HEALTH EFFECTS OF MAJOR CRITERIA POLLUTANTS**

<b>Pollutants</b>	<b>Sources</b>	<b>Primary Effects</b>
Carbon Monoxide (CO)	<ul style="list-style-type: none"> <li>Incomplete combustion of fuels and other carbon-containing substances, such as motor exhaust.</li> <li>Natural events, such as decomposition of organic matter.</li> </ul>	<ul style="list-style-type: none"> <li>Reduced tolerance for exercise.</li> <li>Impairment of mental function.</li> <li>Impairment of fetal development.</li> <li>Death at high levels of exposure.</li> <li>Aggravation of some heart diseases (angina).</li> </ul>
Nitrogen Dioxide (NO <sub>2</sub> )	<ul style="list-style-type: none"> <li>Motor vehicle exhaust.</li> <li>High temperature stationary combustion.</li> <li>Atmospheric reactions.</li> </ul>	<ul style="list-style-type: none"> <li>Aggravation of respiratory illness.</li> <li>Reduced visibility.</li> <li>Reduced plant growth.</li> <li>Formation of acid rain.</li> </ul>
Ozone (O <sub>3</sub> )	<ul style="list-style-type: none"> <li>Atmospheric reaction of organic gases with nitrogen oxides in sunlight.</li> </ul>	<ul style="list-style-type: none"> <li>Aggravation of respiratory and cardiovascular diseases.</li> <li>Irritation of eyes.</li> <li>Impairment of cardiopulmonary function.</li> <li>Plant leaf injury.</li> </ul>
Lead (Pb)	<ul style="list-style-type: none"> <li>Contaminated soil.</li> </ul>	<ul style="list-style-type: none"> <li>Impairment of blood function and nerve conduction.</li> <li>Behavioral and hearing problems in children.</li> </ul>
Fine Particulate Matter (PM-10)	<ul style="list-style-type: none"> <li>Stationary combustion of solid fuels.</li> <li>Construction activities.</li> <li>Industrial processes.</li> <li>Atmospheric chemical reactions.</li> </ul>	<ul style="list-style-type: none"> <li>Reduced lung function.</li> <li>Aggravation of the effects of gaseous pollutants.</li> <li>Aggravation of respiratory and cardio respiratory diseases.</li> <li>Increased cough and chest discomfort.</li> <li>Soiling.</li> <li>Reduced visibility.</li> </ul>
Fine Particulate Matter (PM-2.5)	<ul style="list-style-type: none"> <li>Fuel combustion in motor vehicles, equipment, and industrial sources.</li> <li>Residential and agricultural burning.</li> <li>Industrial processes.</li> <li>Also, formed from photochemical reactions of other pollutants, including NO<sub>x</sub>, sulfur oxides, and organics.</li> </ul>	<ul style="list-style-type: none"> <li>Increases respiratory disease.</li> <li>Lung damage.</li> <li>Cancer and premature death.</li> <li>Reduces visibility and results in surface soiling.</li> </ul>
Sulfur Dioxide (SO <sub>2</sub> )	<ul style="list-style-type: none"> <li>Combustion of sulfur-containing fossil fuels.</li> <li>Smelting of sulfur-bearing metal ores.</li> <li>Industrial processes.</li> </ul>	<ul style="list-style-type: none"> <li>Aggravation of respiratory diseases (asthma, emphysema).</li> <li>Reduced lung function.</li> <li>Irritation of eyes.</li> <li>Reduced visibility.</li> <li>Plant injury.</li> <li>Deterioration of metals, textiles, leather, finishes, coatings, etc.</li> </ul>

Source: California Air Resources Board, 2002.

### Baseline Air Quality

Existing and probable future levels of air quality in the project area can be best inferred from ambient air quality measurements conducted by the South Coast Air Quality Management District (SCAQMD) at its Central San Bernardino monitoring station. This station measures both regional pollution levels such as dust (particulates) and smog, as well as levels of primary vehicular pollutants such as carbon monoxide. Table III-3 summarizes the last four years of the published data from the Central San Bernardino monitoring station.



Ozone and particulates are seen to be the two most significant air quality concerns. Ozone is the primary ingredient in photochemical smog. Slightly more than 17 percent of all days exceed the California one-hour standard. The 8-hour state ozone standard has been exceeded an average of 27 percent of all days in the past four years. The federal 8-hour standard is exceeded 22 percent of all days. While ozone levels are still high, they are much lower than 10 to 20 years ago. Attainment of all clean air standards in the project vicinity is not likely to occur soon, but the severity and frequency of violations is expected to continue to slowly decline during the current decade.

In addition to gaseous air pollution concerns, San Bernardino experiences frequent violations of standards for 10-micron diameter respirable particulate matter (PM-10). High dust levels occur during Santa Ana wind conditions, as well as from the trapped accumulation of soot, roadway dust and byproducts of atmospheric chemical reactions during warm season days with poor visibility. Table III-3 shows that almost 20 percent of all days in the last four years experienced a violation of the State PM-10 standard. However, the three-times less stringent federal standard has only been exceeded once in the same period.

A substantial fraction of PM-10 is comprised of ultra-small diameter particulates capable of being inhaled into deep lung tissue (PM-2.5). Peak annual PM-2.5 levels are sometimes almost as high as PM-10, which includes PM-2.5 as a sub-set. However, there has only been three violations of the 24-hour standard of 35  $\mu\text{g}/\text{m}^3$  in all monitoring days for the last four years.

More localized pollutants such as carbon monoxide, nitrogen oxides, etc. are very low near the project site because background levels, never approach allowable levels. There is substantial excess dispersive capacity to accommodate localized vehicular air pollutants such as NO<sub>x</sub> or CO without any threat of violating applicable AAQS.

**Table III-3**  
**AIR QUALITY MONITORING SUMMARY (2016-2019)**  
**(Number of Days Standards Were Exceeded and Maximum Levels During Such Violations) \***

Pollutant/Standard	2019	2020	2021	2022
<b>Ozone</b>				
1-Hour > 0.09 ppm (S)	41	89	66	60
8-Hour > 0.07 ppm (S)	67	128	101	96
8- Hour > 0.075 ppm (F)	73	110	74	70
Max. 1-Hour Conc. (ppm)	0.127	0.162	0.142	0.128
Max. 8-Hour Conc. (ppm)	0.114	0.128	0.112	0.105
<b>Carbon Monoxide</b>				
8- Hour > 9. ppm (S,F)	0	0	0	0
Max 8-hour Conc. (ppm)	1.1	1.4	1.6	1.7
<b>Nitrogen Dioxide</b>				
1-Hour > 0.18 ppm (S)	0	0	0	0
Max. 1-Hour Conc. (ppm)	0.059	0.054	0.056	0.053
<b>Respirable Particulates (PM-10)</b>				
24-Hour > 50 $\mu\text{g}/\text{m}^3$ (S)	36/269	81/320	79/364	65/360
24-Hour > 150 $\mu\text{g}/\text{m}^3$ (F)	0/269	0/320	0/364	1/360
Max. 24-Hr. Conc. ( $\mu\text{g}/\text{m}^3$ )	112.	80.	111.	177.
<b>Fine Particulates (PM-2.5)</b>				
24-Hour > 35 $\mu\text{g}/\text{m}^3$ (F)	0/97	0/115	1/120	2/118
Max. 24-Hr. Conc. ( $\mu\text{g}/\text{m}^3$ )	34.8	25.7	57.9	40.1

Source: South Coast Air Quality Management District;  
Central San Bernardino SCAQMD Air Monitoring Summary (5203)  
data: [www.arb.ca.gov/adam/](http://www.arb.ca.gov/adam/)

### Air Quality Planning

The United State Environmental Protection Agency (U.S. EPA) is responsible for setting and enforcing the National Ambient Air Quality Standards (NAAQS) for O<sub>3</sub>, CO, NO<sub>x</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and lead. The U.S. EPA has jurisdiction over emissions sources that are under the authority of the federal government including aircraft, locomotives, and emissions sources outside state waters (Outer Continental Shelf). The U.S. EPA also establishes emission standards for vehicles sold in states other than California. Automobiles sold in California must meet the stricter emission requirements of the California Air Resources Board (CARB).

The Federal Clean Air Act (CAA) was first enacted in 1955, and has been amended numerous times in subsequent years (1963, 1965, 1967, 1970, 1977, and 1990). The CAA establishes the federal air quality standards, the NAAQS, and specifies future dates for achieving compliance. The CAA also mandates that states submit and implement State Implementation Plans (SIPs) for local areas not meeting these standards. These plans must include pollution control measures that demonstrate how the standards will be met. Substantial reductions in emissions of ROG, NO<sub>x</sub> and CO are forecast to continue throughout the next several decades. Unless new particulate control programs are implemented, PM-10 and PM-2.5 are forecast to slightly increase.

The Air Quality Management District (AQMD) adopted an updated clean air “blueprint” in August 2003. The 2003 Air Quality Management Plan (AQMP) was approved by the EPA in 2004. The AQMP outlined the air pollution measures needed to meet federal health-based standards for ozone by 2010 and for particulates (PM-10) by 2006. The 2003 AQMP was based upon the federal one-hour ozone standard which was revoked late in 2005 and replaced by an 8-hour federal standard. Because of the revocation of the hourly standard, a new air quality planning cycle was initiated.

With re-designation of the air basin as non-attainment for the 8-hour ozone standard, a new attainment plan was developed. This plan shifted most of the one-hour ozone standard attainment strategies to the 8-hour standard. As previously noted, the attainment date was to “slip” from 2010 to 2021. The updated attainment plan also includes strategies for ultimately meeting the federal PM-2.5 standard.

Because projected attainment by 2021 required control technologies that did not exist yet, the SCAQMD requested a voluntary “bump-up” from a “severe non-attainment” area to an “extreme non-attainment” designation for ozone. The extreme designation was to allow a longer time period for these technologies to develop. If attainment cannot be demonstrated within the specified deadline without relying on “black-box” measures, EPA would have been required to impose sanctions on the region had the bump-up request not been approved. In April 2010, the EPA approved the change in the non-attainment designation from “severe-17” to “extreme.” This reclassification set a later attainment deadline (2024), but also required the air basin to adopt even more stringent emissions controls.

In other air quality attainment plan reviews, EPA had disapproved part of the SCAB PM-2.5 attainment plan included in the AQMP. EPA stated that the current attainment plan relied on PM-2.5 control regulations that had not yet been approved or implemented. It was expected that several rules that were pending approval would remove the identified deficiencies. If these issues were not resolved within the next several years, federal funding sanctions for transportation projects could result. The 2012 AQMP included in the current California State Implementation Plan (SIP) was expected to remedy identified PM-2.5 planning deficiencies.

The federal Clean Air Act requires that non-attainment air basins have EPA approved attainment plans in place. This requirement includes the federal one-hour ozone standard even though that standard was revoked almost ten years ago. There was no approved attainment plan for the one-hour federal standard

at the time of revocation. Through a legal quirk, the SCAQMD is now required to develop an AQMP for the long since revoked one-hour federal ozone standard. Because the current SIP for the basin contains several control measures for the 8-hour ozone standard that are equally effective for one-hour levels, the 2012 AQMP was believed to satisfy hourly attainment planning requirements.

AQMPs are required to be updated at regular intervals. The 2012 AQMP was adopted in early 2013. An updated 2016 AQMP was adopted by the SCAQMD Board in March 2017. The 2016 AQMD demonstrated the emissions reductions shown in Table 4 compared to the 2012 AQMP.

**Table III-4  
COMPARISON OF EMISSIONS BY MAJOR SOURCE CATEGORY FROM 2012 AQMP**

Pollutant	Stationary Sources	Mobile Sources
VOC	-12%	-3%
NOx	-13%	-1%
SOx	-34%	-23%
PM2.5	-9%	-7%

With current emissions reduction programs and adopted growth forecasts.  
Source: California Air Resources Board, 2013 Almanac of Air Quality

SCAQMD has initiated the development of the 2022 AQMP to address the attainment of the 2015 8-hour ozone standard (70 ppb) for South Coast Air Basin and Coachella Valley which will focus on attaining the 70 ppb 8-hour ozone National Ambient Air Quality Standard (NAAQS) by 2037. On-road vehicles and off-road mobile sources represent the largest categories of NOx emissions. Accomplishment of attainment goals requires an approximate 70% reduction in NOx emissions. Large scale transition to zero emission technologies is a key strategy. To this end, Governor Executive Order N-79-20 requires 100 percent EV sales by 2035 for automobiles and short haul drayage trucks. A full transition to EV buses and heavy-duty long-haul trucks is required by 2045.

The proposed project does not directly relate to the AQMP in that there are no specific air quality programs or regulations governing industrial development projects. Conformity with adopted plans, forecasts and programs relative to population, housing, employment and land use is the primary yardstick by which impact significance of planned growth is determined. The SCAQMD, however, while acknowledging that the AQMP is a growth-accommodating document, does not favor designating regional impacts as less-than-significant just because the proposed development is consistent with regional growth projections. Air quality impact significance for the proposed project has therefore been analyzed on a project-specific basis.

#### Impact Thresholds

Appendix G of the California CEQA Guidelines offers the following four tests of air quality impact significance. A Project would have a potentially significant impact if it:

- Conflicts with or obstructs implementation of the applicable air quality plan.
- Results in a cumulatively considerable net increase of any criteria pollutants for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).
- Exposes sensitive receptors to substantial pollutant concentrations.
- Creates objectionable odors affecting a substantial number of people.

#### *Primary Pollutants*

Air quality impacts generally occur on two scales of motion. Near an individual source of emissions or a collection of sources such as a crowded intersection or parking lot, levels of those pollutants that are emitted

in their already unhealthful form will be highest. Carbon monoxide (CO) is an example of such a pollutant. Primary pollutant impacts can generally be evaluated directly in comparison to appropriate clean air standards. Violations of these standards where they are currently met, or a measurable worsening of an existing or future violation, would be considered a significant impact. Many particulates, especially fugitive dust emissions, are also primary pollutants. Because of the non-attainment status of the South Coast Air Basin (SCAB) for PM-10, an aggressive dust control program is required to control fugitive dust during project construction.

#### *Secondary Pollutants*

Many pollutants, however, require time to transform from a more benign form to a more unhealthful contaminant. Their impact occurs regionally far from the source. Their incremental regional impact is minute on an individual basis and cannot be quantified except through complex photochemical computer models. Analysis of significance of such emissions is based upon a specified amount of emissions (pounds, tons, etc.) even though there is no way to translate those emissions directly into a corresponding ambient air quality impact.

Because of the chemical complexity of primary versus secondary pollutants, the SCAQMD has designated significant emissions levels as surrogates for evaluating regional air quality impact significance independent of chemical transformation processes. Projects with daily emissions that exceed any of the following emission thresholds are recommended by the SCAQMD to be considered significant under CEQA guidelines.

**Table III-5  
DAILY EMISSIONS THRESHOLDS**

<b>Pollutant</b>	<b>Construction</b>	<b>Operations</b>
ROG	75	55
NOx	100	55
CO	550	550
PM-10	150	150
PM-2.5	55	55
SOx	150	150
Lead	3	3

Source: SCAQMD CEQA Air Quality Handbook, November, 1993 Rev.

#### *Additional Indicators*

In its CEQA Handbook, the SCAQMD also states that additional indicators should be used as screening criteria to determine the need for further analysis with respect to air quality. The additional indicators are as follows:

- Project could interfere with the attainment of the federal or state ambient air quality standards by either violating or contributing to an existing or projected air quality violation
- Project could result in population increases within the regional statistical area which would be in excess of that projected in the AQMP and in other than planned locations for the project's build-out year.
- Project could generate vehicle trips that cause a CO hot spot.

#### Impact Analysis

- a) *Conflict with or obstruct implementation of the applicable air quality plan?*

The proposed project does not directly relate to the AQMP in that there are no specific air quality programs or regulations governing development projects. Conformity with adopted plans, forecasts and programs relative to population, housing, employment and land use is the primary yardstick by which impact significance of planned growth is determined. The SCAQMD, however, while acknowledging that the AQMP is a growth-accommodating document, does not favor designating regional impacts as less than significant just because the proposed development is consistent with regional growth projections. Air quality impact significance for the proposed project has therefore been analyzed on a project-specific basis. The County requires compliance with the Development Code for projects such as this, and the Applicant intends to meet these standards. Additionally, the Route 66 Truck Parking and Cargo Terminal Project will otherwise be consistent with the County's General Plan and Zoning Code within which the project is located. The proposed project is projected to be consistent with regional planning forecasts maintained by the Southern California Association of Governments (SCAG) regional plans. Air quality impact significance for the proposed project has been analyzed on a project-specific basis. As the analysis of project-related emissions provided below indicates, the proposed project will not cause or be exposed to significant air pollution is implemented, and is, therefore, consistent with the applicable air quality plan.

### **Less Than Significant Impact**

- 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?*

Air pollution emissions associated with the proposed project would occur over both a short- and long-term time period. Short-term emissions include fugitive dust from construction activities (i.e. site prep, demolition, grading, exhaust emissions) at the project site. Long-term emissions generated by operation of the proposed project primarily include energy consumption and mobile source emissions generated by traffic and building operations at the proposed project site.

#### *Construction Emissions*

In May 2023 the California Air Pollution Control Officers Association (CAPCOA) in conjunction with other California air districts, including SCAQMD, released the latest version of CalEEMod2022.1. CalEEMod provides a model by which to calculate both construction emissions and operational emissions from a variety of land use projects. It calculates both the daily maximum and annual average emissions for criteria pollutants as well as total or annual greenhouse gas (GHG) emissions.

The project proposes to develop a truck parking and truck terminal project that would enable truckers to stage loads and redistribute goods within a net 9.2-acre site located along Cajon Boulevard in Unincorporated San Bernardino County. The project will construct a 26,680-SF truck terminal with 32 loading docks. Approximately 305,300 SF of the site will be hardscaped, and 68,270 SF<sup>2</sup> will be landscaped. Construction was assumed to begin in 2024. The project is anticipated to require minimal cut and fill with any cut being reused to balance of the site through grading, which will minimize import/export of material.

Construction was modeled in CalEEMod2016.3.2 using the default construction equipment and schedule for a project of this size and categorization as shown in Table III-6.

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<sup>2</sup> Note that the Air Quality and GHG Analysis assumed that the landscaped area would be 66,000 SF. The current iteration of the site plan has incorporated greater landscaped area. Generally this would translate to lower emissions during construction, as landscaped areas do not require as intensive of construction as hardscaped areas, and furthermore, operational emissions would be comparable to that which was modeled, as the only variable that would change is water use, and emissions attributable to water use are less than 1 for each criteria pollutant.

**Table III-6  
CONSTRUCTION ACTIVITY EQUIPMENT FLEET**

Phase Name and Duration	Equipment
Site Prep (10 days)	3 Dozers
	4 Loader/Backhoes
Grading (20 days)	1 Grader
	2 Excavators
	2 Scrapers
	1 Dozer
	2 Loader/Backhoes
Construction (220 days)	1 Crane
	3 Loader/Backhoes
	1 Welder
	1 Generator Set
	3 Forklifts
Paving (20 days)	2 Pavers
	2 Paving Equipment
	2 Rollers

Utilizing this indicated equipment fleet and durations shown in Table III-6 the following worst-case daily construction emissions are calculated by CalEEMod and are listed in Table III-7.

**Table III-7  
CONSTRUCTION ACTIVITY EMISSIONS MAXIMUM DAILY EMISSIONS (POUNDS/DAY)**

Maximal Construction Emissions	ROG	NOx	CO	SO <sub>2</sub>	PM-10	PM-2.5
<b>2024</b>	3.7	36.1	34.0	0.1	6.9	4.1
<b>2025</b>	17.7	10.7	14.1	0.1	0.6	0.5
SCAQMD Thresholds	75	100	550	150	150	55

With mandatory dust suppression during grading activities, peak daily construction activity emissions are estimated be below SCAQMD CEQA thresholds without the need for added mitigation. However, construction activities are not anticipated to cause dust emissions to exceed SCAQMD CEQA thresholds. Nevertheless, emissions minimization through an enhanced dust control mitigation measure is recommended for use because of the non-attainment status of the air basin. Thus, **Mitigation Measures AQ-1** shall be implemented.

Similarly, ozone precursor emissions (ROG and NOx) are calculated to be below SCAQMD CEQA thresholds. However, because of the regional non-attainment for photochemical smog, the use of a reasonably available exhaust emission control mitigation measure for diesel exhaust is recommended. Thus, **Mitigation Measures AQ-2** shall be implemented. With implementation of **Mitigation Measures AQ-1 through AQ-2**, any impacts related to construction emissions are considered less than significant.

### Operational Emissions

The project will generate 106 daily trips using trip generation numbers provided in the project traffic report. The vehicle fleet for this warehousing use was modified to reflect the anticipated vehicle mix provided in the traffic analysis trip generation rates which are calculated as 51% automobiles, 6% 2-axle trucks and 43% 3 and 4 axle trucks. Operational emissions were calculated using CalEEMod2022.1 for an assumed completion year of 2025. The operational impacts are shown in Table III-8. As shown, operational emissions will not exceed applicable SCAQMD operational emissions CEQA thresholds of significance.

**Table III-8  
PROPOSED USES DAILY OPERATIONAL IMPACTS (2025)**

Source	Operational Emissions (lbs/day)					
	ROG	NOx	CO	SO <sub>2</sub>	PM-10	PM-2.5
Area	0.9	<0.1	1.2	<0.1	<0.1	<0.1
Energy	<0.1	0.2	0.1	<0.1	<0.1	<0.1
Water	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Waste	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Mobile	0.2	3.9	4.9	<0.1	1.7	0.5
<b>Total</b>	<b>7.4</b>	<b>35.7</b>	<b>72.7</b>	<b>0.3</b>	<b>6.7</b>	<b>2.2</b>
SCAQMD Threshold	55	55	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No

Source: CalEEMod Output in Appendix

Based on previous discussions with SCAQMD regarding operational emissions for multi-use commercial projects, the **Mitigation Measures AQ-3 through AQ-8** shall be implemented to minimize operational impacts to the greatest extent feasible.

### Conclusion

With the incorporation of **Mitigation Measures AQ-1 through AQ-8**, the development of the proposed project would have a less than significant potential to 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.

### Less Than Significant With Mitigation Incorporated

#### c) *Expose sensitive receptors to substantial pollutant concentrations?*

The SCAQMD has developed analysis parameters to evaluate ambient air quality on a local level in addition to the more regional emissions-based thresholds of significance. These analysis elements are called Localized Significance Thresholds (LSTs). LSTs were developed in response to Governing Board's Environmental Justice Enhancement Initiative 1-4 and the LST methodology was provisionally adopted in October 2003 and formally approved by SCAQMD's Mobile Source Committee in February 2005.

Use of an LST analysis for a project is optional. For the proposed project, the primary source of possible LST impact would be during construction. LSTs are applicable for a sensitive receptor where it is possible that an individual could remain for 24 hours such as a residence, hospital or convalescent facility.

LSTs are only applicable to the following criteria pollutants: oxides of nitrogen (NO<sub>x</sub>), carbon monoxide (CO), and particulate matter (PM-10 and PM-2.5). LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor.

LST screening tables are available for 25, 50, 100, 200- and 500-meter source-receptor distances. The nearest possible residence is north of Kendall Drive approximately 350 feet from the closest site perimeter. Therefore, a 100-meter source-receptor distance was modeled.

LST pollutant screening level concentration data is currently published for 1, 2- and 5-acre sites for varying distances. For this project, the most stringent thresholds for a 1-acre site were applied. The following thresholds and emissions in Table III-9 are therefore determined (pounds per day):

**Table III-9  
LST AND PROJECT EMISSIONS (POUNDS/DAY)**

<b>1.0 acre/100 meters Central San Bernardino Valley</b>		<b>CO</b>	<b>NO<sub>x</sub></b>	<b>PM-10</b>	<b>PM-2.5</b>
<b>LST</b>		<b>2,141</b>	<b>211</b>	<b>33</b>	<b>9</b>
<b>Max On-Site Emissions</b>					
2024	Unmitigated	34	36	7	4
2025	Mitigated	14	11	1	1

CalEEMod Output in Appendix

LSTs were compared to the maximum daily construction activities. As seen in Table III-9, even if all activities were performed simultaneously, emissions meet the LST for construction thresholds. LST impacts are less than significant.

Construction equipment exhaust contains carcinogenic compounds within the diesel exhaust particulates. The toxicity of diesel exhaust is evaluated relative to a 24-hour per day, 365 days per year, 70-year lifetime exposure. The SCAQMD does not generally require the analysis of construction-related diesel emissions relative to health risk due to the short period for which the majority of diesel exhaust would occur. Health risk analyses are typically assessed over a 9-, 30-, or 70-year timeframe and not over a relatively brief construction period due to the lack of health risk associated with such a brief exposure. No analysis was required for the proposed project.

Given that the proposed project does not exceed LST thresholds, the development of the proposed project would have a less than significant potential to expose sensitive receptors to substantial pollutant concentrations. No mitigation is required.

### **Less Than Significant Impact**

- d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Heavy-duty equipment in the proposed project area during construction will emit odors; however, the construction activity would cease to occur after a short period of time. Land uses generally associated with odor complaints include:

- Agricultural uses (livestock and farming)



- Wastewater treatment plants
- Food processing plants
- Chemical plants
- Composting operations
- Refineries
- Landfills
- Dairies
- Fiberglass molding facilities

The project does not propose any such uses or activities that would result in potentially significant operational-source odor impacts. Potential sources of operational odors generated by the project would include disposal of refuse. Consistent with County requirements, all project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations, thereby precluding substantial generation of odors due to temporary holding of refuse on-site. Moreover, SCAQMD Rule 402 acts to prevent occurrences of odor nuisances. No other sources of objectionable odors or other emissions have been identified for the proposed project. As such, the proposed project would have a less than significant potential to result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

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

#### **Mitigation Program**

- MM AQ-1**      **Fugitive Dust Control.** The following measures shall be incorporated into project plans and specifications for implementation during construction:
- Apply soil stabilizers to inactive areas.
  - Prepare a high wind dust control plan and implement plan elements and terminate soil disturbance when winds exceed 25 mph.
  - Stabilize previously disturbed areas if subsequent construction is delayed.
  - Apply water to disturbed surfaces and haul roads 3 times/day.
  - Replace ground cover in disturbed areas quickly.
  - Reduce speeds on unpaved roads to less than 15 mph.
  - Trenches shall be left exposed for as short a time as possible.
  - Identify proper compaction for backfilled soils in construction specifications.
- This measure shall be implemented during construction, and shall be included in the construction contract as a contract specification.
- MM AQ-2**      **Exhaust Emissions Control.** The following measures shall be incorporated into Project plans and specifications for implementation:
- Utilize off-road construction equipment that has met or exceeded the maker's recommendations for vehicle/equipment maintenance schedule.
  - Contactors shall utilize Tier 4 or better heavy equipment.
  - Enforce 5-minute idling limits for both on-road trucks and off-road equipment.
- MM AQ-3**      Maximize the use of solar energy including solar panels by installing the maximum possible number of solar energy arrays on the building roofs and/or on the Proposed Project site to generate solar energy for the facility.
- MM AQ-4**      Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.
- MM AQ-5**      Require use of electric or alternatively fueled sweepers with HEPA filters.

- MM AQ-6**      **Maximize the planting of trees in landscaping and parking lots consistent with water availability.**
- MM AQ-7**      **Use light colored paving and roofing materials.**
- MM AQ-8**      **Utilize only Energy Star heating, cooling, lighting devices, and appliances, where applicable.**

**Therefore, no significant adverse impacts are identified or anticipated with implementation of the above mitigation measures.**

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES:</b> Will the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural 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"/>

#### **IV. BIOLOGICAL RESOURCES**

**SUBSTANTIATION:** (Check if project is located in the Biological Overlay or contains habitat for any species listed in the California Natural Diversity Database

#### **General Site Conditions**

The project area of potential effect (APE) consists of approximately 9.2 acres of previously graded and routinely disced lands. Site topography varies from an elevation of approximately 2,079 to 2,284 feet above mean sea level (amsl). The site is predominantly flat with little or no topographical variation. The site is located east of Cajon Creek. Historically, Cajon Creek flowed through a broad alluvial plain. Currently Cajon Creek is controlled with berms, banks and rock barriers, roadway, and railroad high-fill, all of which limit the flood plan to the east of the Burlington Northern Santa Fe railroad (BNSF) right of way. The site is located in uplands outside the historic creek floodplain.

The project site situated between the heavy industry to the north and south and the BNSF Railway to the west. Disturbances on site include historic and ongoing off-highway vehicle (OHV), pedestrian uses, and vegetation clearing. There are also human disturbances associated with the surrounding developments. The onsite vegetation consists of areas dominated by non-native annual grassland (grasses), with a large component of ruderal forbs. Non- native grasslands are associated with areas of historic grazing, disking and off-road recreational vehicle use. Soils are generally deep, well-drained sand to fine sandy loam. The project site the dominant species in the included brome grasses (*Bromus spp.*), stork's bill (*Erodium cicutarium*), Maltese star thistle (*Centaurea melitensis*) and slender oat (*Avena barbata*). The non-native grassland onsite is regularly disked. These areas were very homogenous in species composition throughout the site.

Coastal Sage Scrub-California Buckwheat scrub is composed of low growing, soft, woody, drought-deciduous shrubs and herbaceous plants that grow on steep usually south-facing slopes, severely drained soils. Species composition and diversity is determined by soil factors, fire, and topography. This vegetation community is typically found on bouldery, gravelly slopes with sandy loam soils, from 250-950 meters in elevation. The disturbed coastal sage scrub occurs in a patchy distribution along the northeastern edge adjacent to the dirt roads and the BNSF right of way. This vegetation was dominated by California sagebrush (*Artemisia californica*) and California buckwheat (*Eriogonum fasciculatum*). Other dominant species included everlasting (*Gnaphalium californicum*), distant phacelia (*Phacelia distans*), deerweed (*Lotus scoparius*) and telegraph weed (*Heterotheca grandiflora*). A number of other subshrubs species made up most of other cover, with some annual species growing in gaps between perennials. This vegetation is very dense where it occurs on the project site.

Wildlife at the study area consisted of common species and species associated with open, disturbed areas. The most abundant species detected during the site visit were birds such as mourning dove (*Zenaida macroura*), house finch (*Carpodacus mexicanus*) and northern mockingbird (*Mimus polyglottos*); and California ground squirrel (*Otospermophilus beecheyi*). No special-status wildlife species were observed on the Cajon project site during the April 2021 site surveys, and there are no historic site records for any special status wildlife species onsite.

## Conclusion

### *Sensitive Biological Resources*

The BRA surveys were conducted by Jacobs in April 2021 to identify potential habitat for special status wildlife within the project APE. No special status wildlife species, including state and/or federally listed threatened or endangered species, were observed within the project APE during the reconnaissance-level assessment survey and none are expected to occur. Due to the environmental conditions on site and the adjacent disturbances, the project APE is likely not suitable to support any of the special status wildlife species that have been documented in the project vicinity (within approximately 3 miles) including the following species:<sup>3</sup>

- Arroyo Toad (*Anaxyrus californicus*) – FE/DCH
  - The Arroyo toad is a small, light greenish-gray or tan toad restricted to rivers with shallow, gravelly pools with adjacent sand bars or terraces. During the breeding season, from late March to mid-June, they can be found in large streams or rivers containing shallow pools with minimal current and sand or pea-gravel bottom. The Arroyo toad is of particular concern because it is difficult to detect during certain times in its life cycle. The Arroyo toad breeds in stream habitats, but migrates through and hibernates in upland habitats up to 1 kilometer (0.6 mile) from known breeding sites, where it remains underground for much of the winter (Stebbins, 1954; 1972; 1985). Records from the CNDDDB document the species within San Juan Creek, San Mateo Creek and Canyon,

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<sup>3</sup> Definitions - status: Fed = federal, FE = federal endangered, FT = federal threatened, FPE = federally proposed for listing as endangered, FPT = federally proposed for listing as threatened, FC = federal candidate species, FSC = federal special concern species, state = state of California, SE = state endangered, ST = state threatened, SCE = state candidate for listing as endangered, SCT = state candidate for listing as threatened. MBTA= Migratory Bird Treaty Act protected: SFP=State Fully Protected Species

Cristianitos Creek, Talega Canyon, and Gabino Canyon. Marginally suitable habitat occurs within the Project APE, however suitable habitat and designated critical habitat occur approximately 1600-feet to the east of the Project site. There is no suitable aquatic or upland hibernation habitat within the Project APE. Therefore, the probability of this species occurring within the Project site is zero.

- Southern mountain yellow-legged frog (*Rana muscosa*) – FE/SE
  - Mountain yellow-legged frogs are highly aquatic and are rarely found more than 3.3 feet from water. They can be found sitting on rocks along the shoreline where there may be little or no vegetation. This species eats a variety of terrestrial and aquatic invertebrates, including beetles, ants, bees, wasps, flies, and dragonflies. Tadpoles may also be consumed. This species historically inhabited lakes, ponds, marshes, meadows, and streams at elevations typically ranging from about 4,500 to 12,000 feet.
  - There is no suitable habitat, water, or aquatic habitat within the Project APE. Therefore, there is zero probability of this species occurring within the Project APE.
- San Bernardino Merriam's Kangaroo Rat (*Dipodomys merriami parvus*) – FE/DCH/SCE
  - The 2002 critical habitat rule for SBKR defined four Primary Constituent Elements (PCEs) that are essential to the conservation of SBKR. These PCEs are as follows: 1) Soil series consisting predominantly of sand, loamy sand, sandy loam, or loam; 2) Alluvial sage scrub and associated vegetation, such as coastal sage scrub and chamise chaparral, with a moderately open canopy; 3) River, creek, stream, and wash channels; alluvial fans; floodplains; floodplain benches and terraces; and historic braided channels that are subject to dynamic geomorphological and hydrological processes typical of fluvial systems within the historical range of the San Bernardino kangaroo rat; and 4) Upland areas proximal to floodplains with suitable habitat.
  - Findings:
    - (PCE 1) Although the site is identified in the soil surveys as Tujunga gravelly loamy sand; the soils on site have been graded, filled, and compacted during the site being used for parking and construction staging in the past.
    - (PCE 2) The vast majority of the site has been disturbed and does not support alluvial scrub associations. There are small patches of remnant coastal sage scrub species, these areas do not have sufficient area, open features, or friable soils conducive to support this species.
    - (PCE 3) This area was never part of the active flood plain for Cajon Creek, and has been further removed from natural active flood processes by the railroad lines.
    - (PCE 4) The site is not proximal to Cajon Creek, and no upland areas with suitable habitat are adjacent. The subject parcel and surrounding upland areas are separated from Cajon Creek by roads, railroad high fill, and San Bernardino County Flood Control structures that stretch along the west side of the Cajon Creek floodplain. Thus, the subject parcel is no longer subject to the normal flood regimes that are conducive to creating the open structure of the pioneer and intermediate stages of alluvial sage scrub and sandy bare ground habitat preferred by SBKR. Furthermore, the subject parcel is subject to a high degree of historic and ongoing human disturbance associated with the existing resort. Therefore, it is not likely that the habitat within the subject parcel is suitable to support SBKR.
  - Due to the lack of suitable with no primary constituent elements, there is an exceedingly low probability of this species occurring within the Project APE.
- California gnatcatcher (*Polioptila californica californica*) – FT
  - The Coastal California gnatcatcher is a small blue-gray songbird. It has dark blue-gray feathers on its back and grayish-white feathers on its underside. The wings have a brownish wash to them. Its long tail is mostly black with white outer tail feathers. They have a thin, small bill. The males have a black cap during the summer which is absent during the winter. The gnatcatcher typically occurs in or near sage scrub habitat, which includes the following plant communities as classified by Holland (1986): Venturan coastal sage scrub, Diegan coastal sage scrub, maritime succulent scrub, Riversidean sage scrub, Riversidean alluvial fan sage scrub, southern coastal bluff scrub, and coastal sage-chaparral scrub. Ninety-nine percent of all gnatcatcher locality records occur at or below an elevation of 984 feet.

The Project does not occur within designated critical habitat for the coastal California gnatcatcher, nor does it occur within 3-miles of an extant population. Further, there is no suitable habitat for California gnatcatcher within the Project APE.

- Least Bell's vireo (*Vireo bellii pusillus*) – FE/SE
  - The least Bell's vireo (LBVI) is a small, olive-gray migratory songbird that nests and forages almost exclusively in riparian woodland habitats. Bell's vireos as a group are highly territorial and are almost exclusively insectivorous. Least Bell's vireo nesting habitat typically consists of well-developed overstory, understory, and low densities of aquatic and herbaceous cover. The understory frequently contains dense sub-shrub or shrub thickets. These thickets are often dominated by plants such as narrow-leaf willow, mulefat, young individuals of other willow species such as arroyo willow or black willow, and one or more herbaceous species. LBVI generally begin to arrive from their wintering range in southern Baja California and establish breeding territories by mid-March to late-March. A large majority of breeding vireos apparently depart their breeding grounds by the third week of September and only a very few have been found wintering in the United States. There is no wetland or riparian habitat on or adjacent to the Project site.
- Southwestern Willow Flycatcher (*Empidonax traillii extimus*) - FE/SE
  - Southwestern willow flycatcher is a migratory species which breeds in North America and winters in South and Central America. The species can be typically found in the region from early May to early to mid-September, individuals migrating further north may be seen earlier or later in the year. Southwestern willow flycatchers nest in dense riparian areas. Threats to the species include loss, fragmentation and modification of riparian habitat required for breeding, as well as brood parasitism by brown-headed cowbirds. There is no suitable habitat within the Project APE.
- Burrowing Owl (*Athene cunicularia*) – MBTA/SFP
  - Burrowing owls are crepuscular small ground-dwelling owls with a round head and no ear tufts. Typical habitat for this species includes open, dry grasslands, agricultural fields, sparse shrub lands, as well as developed areas with sufficient food sources. Common burrowing mammals that are associated with burrowing owls are ground squirrels, prairie dogs and badgers.
  - This species was not observed during habitat assessment survey or the focused arroyo toad survey. Further, there is only marginal habitat occurring along the concrete lined channel. Thus, the potential for this species to be within the Proposed Project survey area is very low.
  - Burrowing owls (*Athene cunicularia*) occur in shortgrass prairies, grasslands, lowland scrub, agricultural lands (particularly rangelands), prairies, coastal dunes, desert floors, and some artificial, open areas as a yearlong resident. They require large open expanses of sparsely vegetated areas on gently rolling or level terrain with an abundance of active small mammal burrows. As a critical habitat feature, they require the use of rodent or other burrows for roosting and nesting cover. They can also use pipes, culverts, and nest boxes (USFWS 2003, Haug et al. 1993, Zeiner et al. 1990).
  - No burrowing owls we detected during the site visit and there was no evidence that burrowing owls were present. Due to the lack of suitable habit, burrows or evidence of historic use by burrowing owls, further protocol surveys are not warranted.
- Crotch bumble bee (*Bombus crotchii*) – SCE
  - Crotch's bumblebee is characterized as a short- or medium- tongue length species. This species could be confused with *Bombus caliginosus*, *Bombus occidentalis*, and *Bombus vandykei*, as they have similar appearances to Crotch's bumblebee. *B. crotchii* males are generally present from May to September with their peak occurring in July. Workers of this species are active from April to August and queen bees are active for only two months from March until May; the peak of worker activity is between May and June, while queens reach maximum activity in April. Bees of this species all have a square-shaped face and a rounded ankle on the mid leg. Bumblebee abdomen segments are numbered.
  - This species lives primarily in California in the United States; inhabited regions of the state include the Mediterranean region, Pacific coast, western desert, great valley, SW foothills. Most observations of this species occur in southern California in coastal areas. The overwintering habitat of this bumblebee is not known, but it is believed that they have similar behaviors to other bumblebees in this respect, overwintering under leaf litter or soft soil. Crotch's bumblebee inhabits

- grassland and scrub areas, requiring a hotter and drier environment than other bumblebee species, and can only tolerate a very narrow range of climatic conditions. Crotch's bumblebee nests underground, often in abandoned rodent dens. It is a nonmigratory species of bumblebee. Its food plants include milkweeds, dustymaidens, lupines, medics, phacelias, and sages. It also feeds on snapdragons, Clarkia, poppies, and wild buckwheat. Milkweed is a favorite nectar source of Crotch's bumblebee.
- This species was not observed during habitat assessment survey. Further, there is only marginal habitat occurring along the road margins. Due to the routine disking, the compaction and the past and current uses, it is this species is not likely to occur.
  - Santa Ana River Woolly-star (*Eriastrum densifolium ssp. sanctorum*) – FE/SE
    - Santa Ana River woollystar is a low shrubby perennial which can grow to one meter (3.3 feet) tall, with gray-green stems and leaves. This species blooms from May to August and produces bright blue flowers that are up to 1.4 inches long that occur in flower heads with about 20 blossoms each. There are three primary pollinators: long-tongued digger bee, giant flower-loving fly and hummingbirds. This species is associated with early- to moderate- successional alluvial scrub, and thus requires periodic flooding and silting for the creation of new habitats and colonization. The Santa Ana River woollystar is found only within open washes and early-successional alluvial fan scrub on open slopes above main watercourses on fluvial deposits where flooding and scouring occur at a frequency that allows the persistence of open shrublands. Suitable habitat is comprised of a patchy distribution of gravelly soils, sandy soils, rock mounds and boulder fields. The Santa Ana River woolly-star occurs along the Santa Ana River and Lytle and Cajon Creek flood plains from the base of the San Bernardino Mountains in San Bernardino County southwest along the Santa Ana River through Riverside County into the Santa Ana Canyon of northeastern Orange County from about 150 to 580 meters. Although the survey was conducted outside the blooming period, it is a perennial species and any *Eriastrum* species would have been detected if present. There is no suitable habitat for this species, and none were detected during the site visit.
  - Slender-horned Spineflower (*Dodecahema leptoceras*) – FE/SE
    - The habitat that supports most Slender-horned spineflower occurrences is categorized as alluvial scrub. This shrub habitat is found on sandy and gravelly soils in sandy wash systems where intermittent, scouring flood events occur (Boyd et al. 1989, p. A-6). Alluvial scrub in the foothill areas of southern California often supports an indicator plant, *Lepidospartum squamatum* (scalebroom). Alluvial scrub is often a self-replacing transient vegetation whose long term existence and short term demise depends upon the associated fluvial systems. Scalebroom scrub is characterized by densities of the indicator shrub *Lepidospartum squamatum* of less than 1 percent cover in alluvial environments, occurring in intermittently or rarely flooded, low gradient alluvial deposits along streams, washes, and fans. Slender-horned spineflower are typically found in alluvial fan scrub on benches and terraces away from active channels in areas receiving little surface disturbance from flooding, but subject to sheet or overland flows. They bloom between April and May, and are difficult to detect. There is no suitable habitat for this species on site, and none were detected during the site visit.

The project APE does not contain any sensitive habitats, including any United States Fish and Wildlife Service (USFWS) designated Critical Habitat for any federally listed species, and the project will not result in any loss or adverse modification of Critical Habitat.

#### *Special Status Wildlife*

The Proposed Project survey area provides marginal habitat for wildlife, and is not suitable for sensitive species known to occur or with potential to occur in the Proposed Project survey area. Based on the literature search, reconnaissance and habitat assessment surveys, and additional focused biological surveys, several wildlife species are known to occur or have the potential to occur in the Proposed Project survey area.

Wildlife identified in the CNDDB and IPac are discussed in more detail in the following sections because of their state, federal and/or local status, or presence of critical habitat. This next section discusses species

with the potential to occur or have been documented within three miles from the project site. No special status wildlife species were observed within the Project APE

#### *Nesting Birds*

There is habitat within the project APE that is suitable to support nesting birds, including both natural and urban environments. Most native bird species are protected from unlawful take by the Migratory Bird Treaty Act (MBTA). In December 2017, the Department of the Interior (DOI) issued a memorandum concluding that the MBTA's prohibitions on take apply "[...] only to affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs." Then in April 2018, the USFWS issued a guidance memorandum that further clarified that the take of migratory birds or their active nests (i.e., with eggs or young) that is incidental to, and not the purpose of, an otherwise lawful activity does not constitute a violation of the MBTA.

However, the State of California provides additional protection for native bird species and their nests in the Fish and Game Code (FGC). Bird nesting protections in the FGC include the following (Sections 3503, 3503.5, 3511, 3513 and 3800):

- Section 3503 prohibits the take, possession, or needless destruction of the nest or eggs of any bird.
- Section 3503.5 prohibits the take, possession, or needless destruction of any nests, eggs, or birds in the orders Falconiformes (new world vultures, hawks, eagles, ospreys, and falcons, among others), and Strigiformes (owls).
- Section 3511 prohibits the take or possession of Fully Protected birds.
- Section 3513 prohibits the take or possession of any migratory nongame bird or part thereof, as designated in the MBTA. To avoid violation of the take provisions, it is generally required that Project-related disturbance at active nesting territories be reduced or eliminated during the nesting cycle.
- Section 3800 prohibits the take of any non-game bird (i.e., bird that is naturally occurring in California that is not a gamebird, migratory game bird, or fully protected bird).

In general, impacts to all bird species (common and special status) can be avoided by conducting work outside of the nesting season, which is generally March 15<sup>th</sup> through September 1<sup>st</sup>. However, if all work cannot be conducted outside of nesting season, mitigation is recommended.

#### *Jurisdictional Waters*

In addition to the BRA and focused botanical field survey, Jacobs also assessed the project APE for the presence of any state and/or federal jurisdictional waters. The result of the jurisdictional waters assessment is that there are no wetland or non-wetland waters of the United States (WOTUS) or waters of the State potentially subject to regulation by the United States Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA), the Regional Water Quality Control Board (RWQCB) under Section 401 of the CWA and/or Porter Cologne Water Quality Control Act, or the California Department of Fish and Wildlife (CDFW) under Section 1602 of the FGC, respectively. Therefore, the project will not impact and jurisdictional waters and no state or federal jurisdictional waters permitting will be required.

#### Impact Analysis

- a) *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Implementation of the project has minimal potential for a significant adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. The project site is vacant containing various types of non-native annual grassland and Coastal Sage Scrub-California Buckwheat scrub. The BRA provided as Appendix 2 to this Initial Study determined that



the project site does not contain suitable habitat for the following species with a potential to occur in the project area:

- Arroyo Toad (*Anaxyrus californicus*) – FE/DCH
- Southern mountain yellow-legged frog (*Rana muscosa*) – FE/SE
- San Bernardino Merriam's Kangaroo Rat (*Dipodomys merriami parvus*) – FE/DCH/SCE
- California gnatcatcher (*Polioptila californica californica*) – FT
- Least Bell's vireo (*Vireo bellii pusillus*) – FE/SE
- Southwestern Willow Flycatcher (*Empidonax traillii extimus*) - FE/SE
- Burrowing Owl (*Athene cunicularia*) – MBTA/SFP
- Crotch bumble bee (*Bombus crotchii*) - SCE
- Santa Ana River Woolly-star (*Eriastrum densifolium ssp sanctorum*) – FE/SE
- Slender-horned Spineflower (*Dodecahema leptoceras*) – FE/SE

No State- and/or federally listed threatened or endangered species, or other sensitive species were observed on site during the field survey and there is no evidence that the proposed project site contains habitat that could support these species or does support these species at present. Thus, for purposes of this analysis, it is assumed that temporary ground disturbance within the project site would not have a potential to adversely impact any of the above species. As such, there is a less than significant potential for implementation of this project to have a significant adverse effect, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

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

- b) *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Implementation of the proposed project has a potential to have an adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. The project footprint does not contain suitable habitat for any of the sensitive species with a potential to occur in the project APE, and it does not contain any known riparian habitat or any other sensitive natural community identified by any agency. The project APE does not contain any sensitive habitats, including any USFWS designated Critical Habitat for any federally listed species, and the project will not result in any loss or adverse modification of Critical Habitat. Therefore, there is a less than significant potential for implementation of this project to have an adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. No mitigation is required.

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

- 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?*

According to the data gathered by Jacobs in the BRA, no federally protected wetlands occur within the project footprint. Jacobs assessed the project APE for the presence of any state and/or federal jurisdictional waters. The result of the jurisdictional waters assessment is that there are no wetland or non-wetland WOTUS or waters of the State potentially subject to regulation by the USACE under Section 404 of the CWA, the RWQCB under Section 401 of the CWA and/or Porter Cologne Water Quality Control Act, or the CDFW under Section 1602 of the FGC, respectively. Therefore, the project will not impact jurisdictional waters and no state or federal jurisdictional waters permitting will be required. Thus, implementation of the proposed project will have no potential to impact any federally

protected wetlands through direct removal, filling, hydrological interruption, or other means. No mitigation is required.

#### **No Impact**

- 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?*

Based on the field survey of the project site, the project will not substantially interfere with the impede the use of native nursery sites. In light of the project's location between two major transportation corridors (Cajon Boulevard and the BNSF railroad), with two additional transportation corridors (Kendall Drive and additional railroad tracks located just further north and south of the project site), thus further separating any wildland interfaces from the project site, the proposed project would have a less than significant potential to restrict movement of any native resident or migratory species or conflict with established native or migratory wildlife corridors. Once constructed, the project area will be transformed to contain the developed truck terminal and parking area proposed as part of the Route 66 Truck Parking and Cargo Terminal Project. The State protects all migratory and nesting native birds. Several bird species were identified as potentially occurring in the project area, and the proposed project site contains suitable habitat for nesting birds within the site. To avoid impacting nesting birds as required by the MBTA and California FGC, **Mitigation Measure BIO-1** shall be implemented. Thus, with implementation of **Mitigation Measure BIO-1**, any effects on wildlife movement or the use of wildlife nursery sites can be reduced to a less than significant impact.

#### **Less Than Significant With Mitigation Incorporated**

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Based on the field survey, there are no species that are specifically protected by a local policy or ordinance specific to the proposed project site. As no biological resources located within the project footprint are protected under local policies or ordinances, impacts under this issue are considered less than significant.

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

- 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?*

Please refer to the discussion under response IV(a) above. The Biological Resources Assessment provided as Appendix 2 concluded that the project, is not located in an area within a Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, and implementation of the project will therefore not result in a significant impact to any such plans. No further mitigation is necessary.

#### **No Impact**

#### **Mitigation Program**

- MM BIO-1**      **Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and**

**monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).**

**Therefore, no significant adverse impacts are identified or anticipated with implementation of the above mitigation measures.**

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

## **V. CULTURAL RESOURCES**

**SUBSTANTIATION:** (Check if project is located in the Paleontological ☐ Resources overlays or cite results of cultural resource review) The following information is provided based on a Historical / Archaeological resources Survey Report of the project site. The report was conducted by CRM TECH dated November 3, 2021 and is titled “*Historical/Archaeological Resources Survey Report: Assessor’s Parcel Numbers 0262-021-09 and -13, near the City of San Bernardino, San Bernardino County, California*” (Appendix 3). The following information is abstracted from this report. It provides an overview and findings regarding the cultural resources found within the project area.

### **Summary of the Finding**

The purpose of the cultural report is to provide the County and other responsible agencies with the necessary information and analysis to determine whether the project would have an effect on any “historic properties,” as defined by 36 CFR 800.16(l), or “historical resources,” as defined by PRC §5020.1(j), that may exist in or near the APE. In order to identify such resources, CRM TECH reviewed the results of a recent historical/archaeological resources records search on a nearby property, pursued historical background research, initiated a Sacred Lands File search, and carried out an intensive-level field survey.

During the survey, four cultural resources of historic-period origin were recorded within the project boundaries and designated temporarily as Site 3762-1H and Isolates 3762-2H, -3H, and -4H, pending the assignment of official identification numbers once the California Historical Resources Information System resumes normal operation.

Site 3762-1H, representing an abandoned segment of access road associated with the railway, was determined not to be eligible for listing in the California Register of Historical Resources and thus does not meet CEQA’s definition of a “historical resource.” The isolates, each consisting of an item of railroad-related refuse, by definition do not qualify as archaeological sites. As such, they do not constitute potential “historical resources” and require no further study. No other features or artifact deposits more than 50 years of age were encountered within project boundaries.

Outside but adjacent to the project area, the segments of Cajon Boulevard, formerly a part of U.S. Route 66, and the BNSF Railway, formerly the Atchison, Topeka and Santa Fe (ATSF) Railway, were previously recorded into the California Historical Resources Inventory as Sites 36-002910 and 36-006793. While both of these early transportation arteries played important roles in the development of the southern California region during their heydays, namely the 1880s-1910s and the 1910s-1960s, respectively, their current appearance reflects the results of repeated upgrading and regular maintenance during both the historic period and the modern era.

The physical components of the road and the rail line near the project area, as working components of the modern transportation infrastructure, do not demonstrate sufficient historical character to contribute to the potential significance of U.S. Route 66 and the ATSF Railway. As the historic values of U.S. Route 66 and the ATSF Railway are largely symbolic and extends well beyond the immediate area, the proposed project has no potential to cause a substantial adverse change in their significance. Therefore, Sites 36-002910 and 36-006793 require no further consideration in conjunction to this project.

Based on these findings, CRM TECH recommends to the County of San Bernardino a finding of *No Impact* regarding “historical resources.” No further cultural resources investigation is recommended for the project unless construction plans undergo such changes as to include areas not covered by this study. However, if buried cultural materials are encountered during any earth-moving operations associated with the project, all work within 50 feet of the discovery should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds.

#### Impact Analysis

- a) *Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*
- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

CEQA establishes that “a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment” (PRC §21084.1). “Substantial adverse change,” according to PRC §5020.1(q), “means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired.”

Per the above discussion and definition, no archaeological sites or isolates were recorded within the project boundaries. However, four cultural resources of historic-period origin were recorded within the project boundaries as Site 3762-1H and Isolates 3762-2H, -3H, and -4H, pending the assignment of official identification numbers once the California Historical Resources Information System resumes normal operation. None of these resources meet the definition of a “historic property” or a “historical resource.” Thus, no archaeological or historical isolates requires further consideration. In light of this information and pursuant to PRC §21084.1, the following conclusions have been reached for the project:

- No historical resources within or adjacent to the project area have any potential to be disturbed as they are not within the proposed area in which the facilities will be constructed and developed, and thus, the project as it is currently proposed will not cause a substantial adverse change to any known historical resources.
- No further cultural resources investigation is necessary for the proposed project unless construction plans undergo such changes as to include areas not covered by this study.

However, if buried cultural materials are discovered during any earth-moving operations associated with the project, **Mitigation Measure CUL-1** shall be implemented. With the implementation of **Mitigation Measure CUL-1**, the potential for impacts to cultural resources will be reduced to a less than significant level. No additional mitigation is required.

#### **Less Than Significant With Mitigation Incorporated**

- c) *Disturb any human remains, including those interred outside of formal cemeteries?*

As noted in the discussion above, no available information suggests that human remains may occur within the Area of Potential Effect (APE) and the potential for such an occurrence is considered low.

Human remains discovered during the project will need to be treated in accordance with the provisions of HSC §7050.5 and PRC §5097.98, which is mandatory. State law (Section 7050.5 of the Health and Safety Code) as well as local laws requires that the Police Department, County Sheriff and Coroner's Office receive notification if human remains are encountered. Compliance with these laws is considered adequate mitigation for potential impacts and no further mitigation is required.

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

##### **Mitigation Program**

**MM CUL-1**      Should any cultural resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection shall be performed immediately by a qualified archaeologist. Responsibility for making this determination shall be with the County. The archaeological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.

Therefore, no significant adverse impacts are identified or anticipated with implementation of the above mitigation measures.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>VI. ENERGY:</b> Would the project:				
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## **VI. ENERGY**

### **SUBSTANTIATION:**

- a) *Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operations?*

During construction, the proposed project will utilize construction equipment that is CARB approved, minimizing emissions generated and electricity required to the extent feasible (as outlined under Section III, Air Quality, above). As stated in Section III, Air Quality, the construction of the proposed Route 66 Truck Parking and Cargo Terminal Project would require mitigation measures to minimize emissions impacts from construction equipment use (refer to **Mitigation Measure AQ-2**). These mitigation measures also apply to energy resources as they require equipment not in use for 5 minutes to be turned off, and for electrical construction equipment to be used where available. These measures would prevent a significant impact during construction due to wasteful, inefficient, or unnecessary consumption of energy resources, and would also conform to the CARB regulations regarding energy efficiency.

The proposed project consists of truck parking and truck terminal that would include an office/loading dock structure, truck terminal, as well as 97 truck parking spaces at build-out. The project will not require substantial energy to operate, as much of the required energy will be to light the parking lot in the evening hours. Additionally, energy will be required to operate the truck terminal and office that will be developed by the proposed project. Energy consumption encompasses many different activities. For example, construction can include the following activities: delivery of equipment and material to a site from some location (note it also requires energy to manufacture the equipment and material, such as harvesting, cutting and delivering wood from its source); employee trips to work, possibly offsite for lunch (or a visit by a catering truck), travel home, and occasionally leaving a site for an appointment or checking another job; use of equipment onsite (electric or fuel); and sometimes demolition and disposal of construction waste. To minimize energy costs of construction debris management, mitigation has been established to require diversion of all material capable of being recycled. As stated above, energy consumption by equipment will be reduced by requiring shutdowns when equipment is not in use after five minutes and ensuring equipment is being operated within proper operating parameters (tune-ups) to minimize emissions and fuel consumption. These requirements are consistent with State and regional rules and regulations. Under the construction scenario outlined above, the proposed project will not result in wasteful, inefficient, or unnecessary energy consumption during construction.

The proposed project will be powered by Southern California Edison (SCE) through the power distribution system located adjacent to the site. SCE will be able to supply sufficient electricity. Natural gas will be supplied by Southern California Gas. The site will connect to the existing natural gas line adjacent to the project site. As such, the amount of electricity and natural gas required by

the project is considered modest. Furthermore, mitigation measures (**Mitigation Measure AQ-3, AQ-4, AQ-5, AQ-6, AQ-7, and AQ-8**) identified under Section III, Air Quality, above indicate that the proposed project will further encourage energy efficiency, including that solar panels will be encouraged to be developed as part of the project should their inclusion in the project be feasible, which will minimize operational energy use even further than through the mandatory energy efficiency requirements discussed below. However, the proposed structures must be constructed in conformance with a variety of existing energy efficiency regulatory requirements or guidelines including:

- Compliance with Title Chapter 6 of the California Code of Regulations with respect to energy efficiency standards for new building construction.
- Both federally and non-federally regulated appliances shall abide by the efficiency standards of Title 20, Section 1601 et seq. of the California Code of Regulations.
- Compliance California Green Building Standards Code, AKA the CALGreen Code (Title 24, Part 11), which became effective on January 1, 2017. The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of building through the use of building concepts encouraging sustainable construction practices.
- The provisions of the CALGreen code apply to the planning, design, operation, construction, use, and occupancy of every newly construction building.
- Compliance The Building Energy Efficiency Standards (CBSC) would ensure that the building energy use associated with the proposed project would not be wasteful or unnecessary.
- Compliance with Indoor Water use consumption reduced through the maximum fixture water use rates.
- Compliance with diversion of construction and demolition materials from landfills.
- Compliance with SBDC Water Efficient Landscape Ordinance Chapter 83-10 – Landscaping Standards.
- Compliance with SBDC Chapter 83.07 – Glare & Outdoor Lighting.
- Compliance with AQMD Mandatory use of low-pollutant emitting finish materials.
- Compliance with AQMD Rules 431.1 and 431.2 to reduce the release of undesirable emissions.
- Compliance with diesel exhaust emissions from diesel vehicles and off-road diesel vehicle/equipment operations.

Compliance with these regulatory requirements for operational energy use and construction energy use would not be wasteful or unnecessary use of energy. Further, SCE is presently in compliance with State renewable energy supply requirements and SCE will supply electricity to the project. Under the operational scenario for the proposed project, the proposed project will not result in wasteful, inefficient, or unnecessary energy consumption that could result in a significant adverse impact to energy issues based on compliance with the referenced laws, regulations and guidelines. No mitigation beyond those identified above are required.

#### **Less Than Significant With Mitigation Incorporated**

- b) *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Based on the analysis in the preceding discussion, the proposed project will not conflict with current State energy efficiency or electricity supply requirements or any local plans or programs for renewable energy or energy efficiency requirements. The County of San Bernardino has adopted State energy efficiency standards as part of its Municipal Code. No mitigation beyond those identified above are required.

#### **Less Than Significant With Mitigation Incorporated**



**Mitigation Program**

- |                |  |
|----------------|--|
| <b>MM AQ-3</b> | <b>Maximize the use of solar energy including solar panels by installing the maximum possible number of solar energy arrays on the building roofs and/or on the Proposed Project site to generate solar energy for the facility.</b> |
| <b>MM AQ-4</b> | <b>Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.</b>  |
| <b>MM AQ-5</b> | <b>Require use of electric or alternatively fueled sweepers with HEPA filters.</b>   |
| <b>MM AQ-6</b> | <b>Maximize the planting of trees in landscaping and parking lots consistent with water availability.</b>  |
| <b>MM AQ-7</b> | <b>Use light colored paving and roofing materials.</b>   |
| <b>MM AQ-8</b> | <b>Utilize only Energy Star heating, cooling, lighting devices, and appliances, where applicable.</b>  |

**Therefore, no significant adverse impacts are identified or anticipated with implementation of the above mitigation measures.**

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. GEOLOGY AND SOILS:</b> Would the project:				
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 checked="" type="checkbox"/>	<input 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-site or offsite 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"/>

## **VII. GEOLOGY AND SOILS**

**SUBSTANTIATION:** (Check ☐ if project is located in the Geologic Hazards Overlay District) The following information is provided based on a Geotechnical Investigation of the project site. The report was prepared by LOR Geotechnical Group, dated May 17, 2021 and is titled “*Preliminary Geotechnical and Infiltration Feasibility Investigation Proposed Industrial Project APN’s 026-202-109 and -113 San Bernardino County, California*” (Appendix 4a). The following information is abstracted from this report. It provides an overview and findings regarding the cultural resources found within the project area.

- a(i) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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?*

The project site is located in the County of San Bernardino within the Glen Helen Valley Region Specific Plan which is located in a highly seismically active area. The project is located between two fault systems, both of which are classified as Alquist-Priolo Special Study Zones under the Alquist-Priolo Earthquake Fault Zoning Act. Figure VII-1 shows where these faults are located as indicated by the San Bernardino Countywide Plan Earthquake Fault Zones Map. The closest known active fault is the San Jacinto fault, which is located approximately 1.2 kilometers (0.75 mile) to the southwest. In addition, other relatively close active faults include the San Andreas fault located 1.8 kilometers (1.1 miles) to the northeast, and the Cucamonga fault located 7.2 kilometers (4.5 miles) to the southwest. Figure VII-1, the site is not located within an Alquist-Priolo Special Study Zone. Based on this information, the risk for ground rupture at the site location is low; therefore, it is not likely that future customers and employees of the project will be subject to rupture from a known earthquake fault. Therefore, any impacts under this issue are considered less than significant; no mitigation is required.

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

- a(ii) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*

*Less Than Significant Impact* – As stated in the discussion above, several faults run through this portion of the County, and as with much of southern California, the proposed structures will be subject to strong seismic ground shaking impacts should any major earthquakes occur in the future, as shown on Figure VII-1. Additionally, according to the Geotechnical Investigation prepared for the project, provided as Appendix 4a, the historical seismicity of the site entails numerous small to medium magnitude earthquake events occurring around the subject site, predominately associated with the presence of the faults described within. Any future developments at the subject site should anticipate that moderate to large seismic events could occur very near the site. As a result, and like all other development projects in the County and throughout the Southern California Region, the proposed project will be required to comply with all applicable seismic design standards contained in the 2019 California Building Code (CBC), including Section 1613- Earthquake Loads. Compliance with the CBC will ensure that structural integrity will be maintained in the event of an earthquake. Therefore, impacts associated with strong ground shaking will be less than significant without mitigation.

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

- a(iii) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

According to the map prepared for the County of San Bernardino Countywide Plan Liquefaction & Landslides Map (Figure VII-2), the project site is located in an area that is considered highly susceptible to seismic-related ground failure, including liquefaction. The County's General Plan Environmental Impact Report requires implementation of MM Regulatory Requirement (RR) GEO-1, which requires site-specific geotechnical reports to determine the site-specific liquefaction potential and possible seismic design mitigation where projects are located in an area delineated within a liquefaction zone. The Geotechnical Investigation prepared for the proposed project indicates that the potential for liquefaction generally occurs during strong ground shaking within loose granular sediments where the depth to groundwater is usually less than 50 feet. As groundwater is thought to be in excess of 50 feet beneath the site and the site is underlain by relatively dense alluvial deposits, the possibility of liquefaction within these units is considered nil. Therefore, impacts under this issue would be less than significant, and compliance with the 2019 CBC will ensure human safety will be protected from any liquefaction hazards that may exist at the project site.

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

- a(iv) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

*No Impact* – The project site is essentially flat, and is therefore not located in an area in which landslides are anticipated to occur. According to the map prepared for the San Bernardino Countywide Plan Liquefaction & Landslides Map (Figure VII-2), the project site is not located in an area that is considered susceptible to landslides. Therefore, the project will not expose people or structures to potential substantial adverse landslide effects, including the risk of loss, injury, or death involving landslides. No impacts under this issue are anticipated and no mitigation is required.

**No Impact**

- b) *Result in substantial soil erosion or the loss of topsoil?*

The potential for soil erosion, loss of topsoil, and/or developing the site on unstable soils is anticipated to be marginally possible at the site during ground disturbance associated with construction. The project site is vacant with a modest amount of native and non-native vegetation coverage. The San Bernardino County Development Code Chapter 85.11.030 requires standard erosion control practices to be implemented for all construction. County grading standards, best management practices and the Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP) are required to control the potential significant erosion hazards. The topography of the site slopes gently from north to south. During project construction when soils are exposed, temporary soil erosion may occur, which could be exacerbated by rainfall. Project grading would be managed through the preparation and implementation of a SWPPP, and will be required to implement best management practices to achieve concurrent water quality controls after construction is completed and the truck terminal and truck parking is in operation. **Mitigation Measures GEO-1 and GEO-2** or equivalent best management practices (BMPs) shall be implemented to address soil erosion and loss of topsoil. With implementation of **Mitigation Measures GEO-1 and GEO-2**, implementation of the SWPPP and associated BMPs, any impacts under this issue are considered less than significant.

**Less Than Significant With Mitigation Incorporated**

- 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-site or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?*

As previously stated, according to the Liquefaction & Landslides Map prepared for the San Bernardino Countywide Plan (Figure VII-2), the potential for liquefaction within the project site is high, though the Geotechnical Investigation prepared on behalf of the proposed project, which pertains specifically to the project site indicates that the potential for liquefaction to occur at the project site is low. However, the potential for landslide at the project site has been determined to be minimal. The San Bernardino Countywide Plan EIR indicates that subsidence and collapse are not known to occur within the project area. Since the site is underlain by dense alluvial materials, the potential for settlement is considered low. Additionally, the earthwork operations recommended in the Geotechnical Investigation provided as Appendix 4a would mitigate any near surface loose soil conditions. As such, the **Mitigation Measure GEO-3** shall be implemented as it would require the implementation of design measure identified in the geotechnical report. With the implementation of **Mitigation Measure GEO-3**, it is not anticipated that the project will 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 onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse. No further mitigation is required.

**Less Than Significant With Mitigation Incorporated**

- 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?*

According to the United States Department of Agriculture Web Soil Survey, the project's Area of Potential Effect (APE) is underlain by Tujunga gravelly loamy sand, Soboba stony loamy sand, and Soboba gravelly loamy sand (Appendix 4b). According to the USDA Soil Series website, Tujunga series soils are somewhat excessively drained soils, have negligible to low runoff, and flooding is none to frequent.<sup>4</sup> Soboba series soils are excessively drained soils that formed in alluvium from predominantly granitic rock sources.<sup>5</sup> The San Bernardino Countywide Plan does not designate the project area as being located within an area known to contain expansive soils. Furthermore, the Geotechnical Investigation also does not designate the site as containing expansive soils, which are typically clay type soil; given that no clay type soils exist at the project site, the development of the project will not create a substantial risk to life or property by being placed on expansive soils because none exist on the site. With implementation of **Mitigation Measure GEO-1**, intended to ensure site specific design measures are implemented during construction, impacts under this issue are considered less than significant. No further mitigation is required.

#### **Less Than Significant With Mitigation Incorporated**

- 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?*

The project does not propose any septic tanks or alternative wastewater disposal systems. Therefore, determining if the project site soils are capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater does not apply. No impacts are anticipated. No mitigation is required.

#### **No Impact**

- f) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

The San Bernardino Countywide Plan for indicates that the proposed project area is located in a low-to-high sensitivity area for paleontological resources. Previously unknown and unrecorded paleontological resources may be unearthed during excavation and grading activities of the proposed project. If previously unknown potentially unique paleontological resources are uncovered during excavation or construction, significant impacts could occur. According to the San Bernardino Countywide Plan EIR, the County requires that projects located within areas that have been delineated as low-to-high sensitivity for paleontological resources by the County General Plan (Figure VII-2) meet the requirements of its **County Mitigation Measure CUL-5**, which states:

*All projects involving ground disturbance in previously undisturbed areas mapped with low-to-high paleontological sensitivity will only require monitoring if construction activity will exceed the depth of the low sensitivity surficial sediments. The underlying sediments may have high paleontological sensitivity, and therefore work in those units might require paleontological monitoring, as designated by the Qualified Paleontologist in the PRMMP. When determining the depth at which the transition to high sensitivity occurs and monitoring becomes necessary, the Qualified Paleontologist should take into account: a) the most recent local geologic mapping, b) depths at which fossils have been found in the vicinity of the project area, as revealed by the museum records search, and c) geotechnical studies of the project area, if available.*

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<sup>4</sup> [https://soilseries.sc.egov.usda.gov/OSD\\_Docs/T/TUJUNGA.html](https://soilseries.sc.egov.usda.gov/OSD_Docs/T/TUJUNGA.html)

<sup>5</sup> [https://soilseries.sc.egov.usda.gov/OSD\\_Docs/S/SOBOBA.html](https://soilseries.sc.egov.usda.gov/OSD_Docs/S/SOBOBA.html)

The proposed project shall implement **Mitigation Measure GEO-4** to meet the County's requirements pertaining to paleontological resources:

The **County Mitigation Measure CUL-6** (sourced from the 2019 San Bernardino Countywide Plan EIR), which addresses the potential for discovery of fossils, shall also be required as part of this project as follows:

*In the event of any fossil discovery, regardless of depth or geologic formation, construction work will halt within a 50-ft. radius of the find until its significance can be determined by a Qualified Paleontologist. Significant fossils will be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the SVP (2010) and BLM (2009). A repository will be identified and a curatorial arrangement will be signed prior to collection of the fossils. Although the San Bernardino County Museum is specified as the repository for fossils found in the county in the current General Plan (San Bernardino County, 2007), the museum may not always be available as a repository. Therefore, any accredited institution may serve as a repository.*

With incorporation of the project specific and County developed mitigation measures, the potential for impact to paleontological resources will be reduced to a less than significant level. No additional mitigation is required.

#### **Less Than Significant With Mitigation Incorporated**

##### **Mitigation Program**

- |                 |   |
|-----------------|---|
| <b>MM GEO-1</b> | <b>Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. Where covering is not possible, measures such as the use of straw bales or sand bags shall be used to capture and hold eroded material on the project site for future cleanup such that erosion does not occur.</b>  |
| <b>MM GEO-2</b> | <b>All exposed, disturbed soil (trenches, stored backfill, etc.) shall be sprayed with water or soil binders twice a day, or more frequently if fugitive dust is observed migrating from the site within which the project is being constructed.</b>  |
| <b>MM GEO-3</b> | <b>Based upon the geotechnical investigation (Appendix 4a of this document), all of the recommended design and construction measures identified in Appendix 4a (listed on Pages 8-9, and 10-21) shall be implemented by the Applicant. Implementation of these specific measures will address all of the identified geotechnical constraints identified at project site, including soil stability on future project-related structures.</b>   |
| <b>MM GEO-4</b> | <b>The Applicant shall retain the services of a Qualified Paleontologist meeting the standards of SVP (2010). The Qualified Paleontologist shall determine the depth at which the transition to high sensitivity occurs and monitoring becomes necessary, by taking into account: a) the most recent local geologic mapping, b) depths at which fossils have been found in the vicinity of the project area, as revealed by the museum records search, and c) geotechnical studies of the project area, if available. Should the project require excavation that will exceed the depth of low sensitivity surficial sediments as determined by a Qualified Paleontologist, a project-specific paleontological resources monitoring and mitigation plan (PRMMP) shall be developed and adhered to for the duration of ground disturbance activities during construction or as otherwise determined by the Qualified Paleontologist. This plan will address specifics of monitoring and mitigation for the development project, and will take into account updated geologic</b> |

**mapping, geotechnical data, updated paleontological records searches, and any changes to the regulatory framework. This PRMMP shall meet the standards of the SVP (2010).**

**Therefore, no significant adverse impacts are identified or anticipated with implementation of the above mitigation measure.**

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. GREENHOUSE GAS EMISSIONS:</b> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **VIII. GREENHOUSE GAS EMISSIONS**

**SUBSTANTIATION:** The following information utilized in this section was obtained from the technical study “Air Quality and GHG Impact Analyses, Route 66 Truck Parking and Cargo Terminal Project, County Of San Bernardino, California” prepared by Giroux & Associates dated November 5, 2023, and provided as Appendix 1 to this document.

#### **Background**

Global Climate Change (GCC) is defined as the change in average meteorological conditions on the earth with respect to temperature, precipitation, and storms. Many scientists believe that the climate shift taking place since the industrial revolution (1900) is occurring at a quicker rate and magnitude than in the past. Scientific evidence suggests that GCC is the result of increased concentrations of greenhouse gases in the earth’s atmosphere, including carbon dioxide, methane, nitrous oxide, and fluorinated gases. Many scientists believe that this increased rate of climate change is the result of greenhouse gases resulting from human activity and industrialization over the past 200 years.

“Greenhouse gases” (so called because of their role in trapping heat near the surface of the earth) emitted by human activity are implicated in global climate change, commonly referred to as “global warming.” These greenhouse gases contribute to an increase in the temperature of the earth’s atmosphere by transparency to short wavelength visible sunlight, but near opacity to outgoing terrestrial long wavelength heat radiation in some parts of the infrared spectrum. The principal greenhouse gases (GHGs) are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. For purposes of planning and regulation, Section 15364.5 of the California Code of Regulations defines GHGs to include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. Fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of GHG emissions, accounting for approximately half of GHG emissions globally. Industrial and commercial sources are the second largest contributors of GHG emissions with about one-fourth of total emissions.

An individual project like the project evaluated in this GHGA cannot generate enough greenhouse gas emissions to effect a discernible change in global climate. However, the project may participate in the potential for GCC by its incremental (cumulative) contribution of greenhouse gasses combined with the cumulative increase of all other sources of greenhouse gases, which when taken together constitute potential influences on GCC.

AB 32 is one of the most significant pieces of environmental legislation that California has adopted. Among other things, it is designed to maintain California’s reputation as a “national and international leader on energy conservation and environmental stewardship.” It will have wide-ranging effects on California businesses and lifestyles as well as far reaching effects on other states and countries. A unique aspect of AB 32, beyond its broad and wide-ranging mandatory provisions and dramatic GHG reductions are the short time frames within which it must be implemented. Major components of the AB 32 include:



- Require the monitoring and reporting of GHG emissions beginning with sources or categories of sources that contribute the most to statewide emissions.
- Requires immediate “early action” control programs on the most readily controlled GHG sources.
- Mandates that by 2020, California’s GHG emissions be reduced to 1990 levels.
- Forces an overall reduction of GHG gases in California by 25-40%, from business as usual, to be achieved by 2020.
- Must complement efforts to achieve and maintain federal and state ambient air quality standards and to reduce toxic air contaminants.

Statewide, the framework for developing the implementing regulations for AB 32 is under way. Maximum GHG reductions are expected to derive from increased vehicle fuel efficiency, from greater use of renewable energy and from increased structural energy efficiency. Additionally, through the California Climate Action Registry (CCAR now called the Climate Action Reserve), general and industry-specific protocols for assessing and reporting GHG emissions have been developed. GHG sources are categorized into direct sources (i.e. company owned) and indirect sources (i.e. not company owned). Direct sources include combustion emissions from on-and off-road mobile sources, and fugitive emissions. Indirect sources include off-site electricity generation and non-company owned mobile sources.

#### Thresholds of Significance

In response to the requirements of SB97, the State Resources Agency developed guidelines for the treatment of GHG emissions under CEQA. These new guidelines became state laws as part of Title 14 of the California Code of Regulations in March, 2010. The CEQA Appendix G guidelines were modified to include GHG as a required analysis element. A project would have a potentially significant impact if it:

- Generates GHG emissions, directly or indirectly, that may have a significant impact on the environment, or,
- Conflicts with an applicable plan, policy or regulation adopted to reduce GHG emissions.

Section 15064.4 of the Code specifies how significance of GHG emissions is to be evaluated. The process is broken down into quantification of project-related GHG emissions, making a determination of significance, and specification of any appropriate mitigation if impacts are found to be potentially significant. At each of these steps, the new GHG guidelines afford the lead agency with substantial flexibility.

Emissions identification may be quantitative, qualitative, or based on performance standards. CEQA guidelines allow the lead agency to “select the model or methodology it considers most appropriate.” The most common practice for transportation/combustion GHG emissions quantification is to use a computer model such as CalEEMod, as was used in the ensuing analysis.

The significance of those emissions then must be evaluated; the selection of a threshold of significance must take into consideration what level of GHG emissions would be cumulatively considerable. The guidelines are clear that they do not support a zero net emissions threshold. If the lead agency does not have sufficient expertise in evaluating GHG impacts, it may rely on thresholds adopted by an agency with greater expertise.

On December 5, 2008 the SCAQMD Governing Board adopted an Interim quantitative GHG Significance Threshold for industrial projects where the SCAQMD is the lead agency (e.g., stationary source permit projects, rules, plans, etc.) of 10,000 Metric Tons (MT) CO<sub>2</sub> equivalent/year. In September 2010, the SCAQMD CEQA Significance Thresholds GHG Working Group released revisions which recommended a threshold of 3,000 MT CO<sub>2</sub>e for all land use projects. This 3,000 MT/year recommendation has been used as a guideline for this analysis. In the absence of an adopted numerical threshold of significance, project related GHG emissions in excess of the guideline level are presumed to trigger a requirement for enhanced GHG reduction at the project level.

## Impact Analysis

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

The project proposes to develop a truck parking and truck terminal project that would enable truckers to stage loads and redistribute goods within a net 9.2-acre site located along Cajon Boulevard in Unincorporated San Bernardino County. The project will construct a 26,680-SF truck terminal with 32 loading docks. Approximately 305,300 SF of the site will be hardscaped, and 68,270 SF will be landscaped.<sup>6</sup> Construction was assumed to begin in 2024.

### Construction Activity GHG Emissions

Project construction is assumed to span two calendar years. During project construction, the CalEEMod2022.1 computer model predicts that the construction activities will generate the annual CO<sub>2</sub>e emissions identified in Table VIII-1.

**Table VIII-1  
CONSTRUCTION EMISSIONS (METRIC TONS CO<sub>2</sub>e)**

	<b>MT CO<sub>2</sub>e</b>
Year 2024	352
Year 2025	155
Total	507.0
<b>Amortized</b>	<b>16.9</b>

CalEEMod Output provided in appendix

SCAQMD GHG emissions policy from construction activities is to amortize emissions over a 30-year lifetime. The amortized level is also provided. GHG impacts from construction are considered individually less than significant.

### Operational GHG Emissions

The input assumptions for operational GHG emissions calculations, and the GHG conversion from consumption to annual regional CO<sub>2</sub>e emissions are summarized in the CalEEMod2022.1 output files found in the appendix of this report. The total operational and annualized construction emissions for the proposed project are identified in Table VIII-2. The project GHG emissions are considered less than significant.

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<sup>6</sup> Note that the Air Quality and GHG Analysis assumed that the landscaped area would be 66,000 SF. The current iteration of the site plan has incorporated greater landscaped area. Generally this would translate to lower GHG emissions during construction, as landscaped areas do not require as intensive of construction as hardscaped areas, and furthermore, operational emissions would be comparable to that which was modeled, as the only variable that would change is water use, and emissions attributable to water use account for only 2% of the overall GHG emissions total.

**Table VIII-2  
OPERATIONAL EMISSIONS (METRIC TONS CO<sub>2</sub>e)**

<b>Consumption Source</b>	<b>MT CO<sub>2</sub>e)</b>
Area Sources	0.6
Energy Utilization	50.1
Mobile Source	666.0
Solid Waste Generation	8.4
Water Consumption	16.3
Construction	16.9
<b>Total</b>	<b>758.3</b>
Guideline Threshold	3,000

### **Less Than Significant Impact**

- b. *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

#### Consistency with GHG Plans, Programs and Policies

In 2021, San Bernardino County published its the Regional Greenhouse Gas Reduction Plan (2021), which was an update to a previous plan drafted in 2014. The 2021 plan was in response to AB 32, the Global Warming Solutions Act of 2006. The law establishes a limit on greenhouse gas (GHG) emissions for the state of California to reduce state-wide emissions to 1990 levels by 2020. In 2016, the California Assembly and Senate expanded upon AB 32 with Senate Bill (SB) 32, which mandates a 40% reduction in GHG emissions from 1990 levels by 2030 (California Legislative Information, 2016). In January 2017, the California Air Resources Board (CARB) developed a plan (SB 32 Scoping Plan<sup>1</sup>) that charted a path towards the GHG reduction goal using all technologically feasible and cost-effective means (CARB, 2017).

In response to these initiatives, an informal project partnership, led by the San Bernardino Council of Governments (SBCOG), compiled a GHG emissions inventory and an evaluation of reduction measures that could be adopted by the 25 Partnership Cities of San Bernardino County. For the purposes of this report, this group is referred to as the San Bernardino Council of Governments and Participating San Bernardino County Jurisdictions Partnership (Partnership). The Partnership committed to undertake the following actions that will reduce GHG emissions associated with its regional (or countywide) activities.

1. Prepare a baseline (2016) GHG emissions inventory for each of the 25 Partnership jurisdictions in the county.
2. Prepare future year (2020, 2030, and 2045<sup>2</sup>) GHG emissions forecasts for each of the jurisdictions.
3. Develop general GHG reduction measures and jurisdiction-specific measures appropriate for each jurisdiction.
4. Develop consistent baseline information for jurisdictions to use for their development of community climate action plans (CAPs) meeting jurisdiction-identified reduction goals.

The goal is to develop consistent information in an efficient manner that can subsequently be used by individual jurisdictions that choose to develop and adopt CAPs for their jurisdictions. The reduction plan established a baseline GHG inventory and emissions forecast that can be referenced for any future GHG analyses and planning. It contains basic terms and concepts that may be useful for future planning.

For unincorporated San Bernardino County, it is assumed that emissions reductions will be met through a combination of state (80%) and local (20%) efforts. Projects that demonstrate consistency with the strategies, actions, and emission reduction targets contained in the Reduction Plan would have a less than significant impact on climate change. The project will be compliant with the goals and objectives set forth in the Partnership's Reduction Plan as shown on Table VIII-3. Therefore, as the project would be consistent with the plan, the project would have a less than significant potential to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

### Less Than Significant Impact

**Table VIII-3  
GHG REDUCTION MEASURES AND ESTIMATED 2020 REDUCTIONS FOR UNINCORPORATED SAN BERNARDINO COUNTY**

Measure Number	Measure Description	Reductions (MTCO <sub>2</sub> e)
<b>State Measures</b>		
State-SB 100	SB 100	303,807
State-SB 350	SB 350	132,965
State-T24	Title 24 (Energy Efficiency Standards)	1,302
State-Solar Water Heater	Solar Water Heaters (Residential)	213
State-Increased CHP	Increased Combined Heat and Power (Commercial)	1,257
State-OnRoad	State Fuel Efficiency Measures	509,334
State-SB 1383	Methane Capture	96,018
<b>Total State Reductions</b>		<b>1,044,896</b>
<b>Local Measures</b>		
<i>Building Energy</i>		
Energy-1	Building Energy Efficiency	20,775
Energy-2	Lighting Efficiency	0
Energy-3	All Electric Buildings	0
Energy-5	Renewable Energy – New Commercial/Industrial	0
Energy-6	Solar Energy for Warehouse Space	0
Energy-7	Solar Installation for Existing Housing	30,274
Energy-8	Solar Installation for Existing Commercial/Industrial	88,198
Energy-9	Rooftop Gardens	0
Energy-10	Urban Tree Planting for Shading and Energy Savings	28
<i>On-Road Transportation</i>		
OnRoad-1	Alternative Fueled Transit Fleets	0
OnRoad-2	Encourage Use of Mass Transit	0
OnRoad-3	Transportation Demand Management and Synchronization	11,319
OnRoad-4	Expand Bike Routes	11,239
OnRoad-5	Community Fleet Electrification	0

<i>Off-Road Equipment</i>		
OffRoad-1	Electric-Powered Construction Equipment	0
OffRoad-2	Idling Ordinance	457
OffRoad-3	Electric Landscaping Equipment	0
<i>Waste</i>		
Waste-1	Methane Capture - Local	0
Waste-2	Waste Diversion and Reduction	72,474
<i>Agriculture</i>		
Agriculture-3	Methane Capture at Large Dairies	0
<i>Wastewater</i>		
Wastewater-1	Methane Recovery at Wastewater Treatment Plants	0
Wastewater-2	Equipment Upgrades and Wastewater Treatment Plants	0
<i>Water Conveyance</i>		
Water-1	Require Tier 1 Voluntary CALGreen Standards for New Construction	0
Water-2	Renovate Existing Buildings to Achieve Higher Levels of Water Efficiency	0
Water-3	Water-Efficient Landscaping Practices	2,973
<i>GHG Performance Standard for New Development</i>		
PS-1	GHG Performance Standard for New Development (40% below projected BAU emissions for the project)	16,889
<b>Total Local Reductions</b>		<b>254,625</b>
<b>Total Reductions</b>		<b>1,299,521</b>

Notes:

Values may not sum due to rounding.

**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 Impact</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>

#### **IX. HAZARDS AND HAZARDOUS MATERIALS**

##### **SUBSTANTIATION:**

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- 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?*

During construction of proposed project, hazardous or potentially hazardous materials will be routinely handled in small quantities on the project site. These hazardous materials would include use of adhesives, solvents, paints, thinners, gasoline, diesel fuel, lubricants, and other petroleum-based products used to operate and maintain construction equipment and vehicles. Cal/OSHA regulations provide for the proper labeling, storage, and handling of hazardous materials to reduce the potential harmful health effects that could result from worker exposure to hazardous materials. If not properly handled, accidental release of these substances could expose construction workers,

degrade soils, or become entrained in stormwater runoff, resulting in adverse effects on the public or the environment. A permitted and licensed service provider will conduct the removal of such hazardous materials; any handling, transporting, use or disposal of hazardous materials would comply with all applicable federal, State, and local agencies and regulations. The project would be required to comply with all relevant and applicable federal, state and local laws and regulations that pertain to the accidental release of hazardous materials during construction of proposed facilities such as Health and Safety Code, Section 2550 et seq. Compliance with all applicable federal, state and local regulations can reduce potential impacts to the public or the environment regarding accidental release of hazardous materials to less than significant impact, but the following mitigation measure will be incorporated into the Storm Water Pollution Prevent Plan (SWPPP) prepared for the project and implementation of this measure can further reduce this potential hazard to a less than significant level.

**HAZ-1** *All accidental spills or discharge of hazardous material during construction activities shall be reported to the Certified Unified Program Agency and shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately a licensed disposal or treatment facility. This measure shall be incorporated into the SWPPP prepared for the proposed project. Prior to accepting the site as remediated, the area contaminated shall be tested to verify that any residual concentrations meet the standard for future residential or public use of the site.*

The proposed project will consist of developing a Route 66 Truck Parking and Cargo Terminal Project that would serve as a transfer point for staging loads and redistribution of goods. Operation of the project would not involve routine use of hazardous materials, though trucks utilizing the facility may be transporting hazardous materials. Operators and operations of such trucks are required to comply with all applicable federal, state and local regulations regarding the handling, storage, transportation, and disposal of hazardous materials. This requirement is further enforced by San Bernardino Countywide Plan EIR RR HAZ-1:

*Transportation of Hazardous Waste. Hazardous materials and hazardous wastes will be transported to and/or from the projects developed under the Countywide Plan in compliance with any applicable state and federal requirements, including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards.*

Furthermore, given that no hazardous materials are anticipated to be stored in great quantities during operation of the project, beyond household cleaning supplies, operation of the project would also be required to comply with all Federal, State, and local regulations governing the storage and use of hazardous materials is required, which will ensure that the project operates in a manner that poses no substantial hazards to the public or the environment.

#### **Less Than Significant With Mitigation Incorporated**

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

The proposed project site is not located within one quarter mile of a school. The nearest schools are located about one mile east of the project site: North Verdemon Elementary School and Cesar Chavez Middle School, which are part of the San Bernardino Unified School District. Based on this information, implementation of the project will not emit hazardous emissions or handle hazardous or

acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No adverse impacts are anticipated. No additional mitigation is required.

**No Impact**

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The proposed project would develop a Route 66 Truck Parking and Cargo Terminal Project to serve the Industrial Corridor located in the Devore / Glen Helen area within the County and regional truckers; the project site is vacant with native and non-native plant vegetation coverage over the whole of the site. The project will not be located on a site that is included on a list of hazardous materials sites that are currently under remediation. According to the California State Water Board's GeoTracker website (consistent with Government Code Section 65962.5), which provides information regarding Leaking Underground Storage Tanks (LUST) and Department of Toxic Substance Control (DTSC) cleanup sites, there are no open LUST, DTSC, or other clean-up sites within 2,500 feet of the project site (Figure IX-1). Therefore, there is no potential for the project to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 thereby creating a significant hazard to the public or the environment. Project construction and operation of the site as the Route 66 Truck Parking and Cargo Terminal Project will have a less than significant potential to create a significant hazard to the population or to the environment from their implementation. No mitigation is required.

**Less Than Significant Impact**

- 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?*

The project site is located at a great distance from any nearby airport. As shown on the Airport Safety & Planning Areas map prepared for the San Bernardino Countywide Plan (Figure IX-2), the proposed project is not located within an Airport Safety Review Area at any of the area airports shown on the Map (Ontario International Airport, San Bernardino International Airport, and Redlands Airport). Therefore, there is no potential safety hazard for people residing or working in the project area as a result of proximity to a public airport or private airstrip. No mitigation is required.

**No Impact**

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The proposed project is not anticipated to interfere with an adopted emergency response plan or emergency evacuation plan. As shown on the Evacuation Route Map prepared for the San Bernardino Countywide Plan (Figure IX-3), the adopted evacuation routes are the Interstate 215 (I-215) and the I-15 located to the east, west, and north of the project site. Development at this location would not interfere with access to these emergency evacuation routes, as the proposed project will be constructed entirely within the boundaries of the project site, with minimal improvements to the site frontage and entrances to the site along Cajon Boulevard. The project would involve ingress and egress of traffic onto Cajon Boulevard from the new driveways that will provide entry to the site. As such, the proposed project will not experience substantial conflicts with surrounding traffic. Given the above, there is a less than significant potential for the development of the project to physically interfere with any adopted emergency response plans, or evacuation plans.



### **Less Than Significant Impact**

- g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The proposed project area is an area susceptible to wildland fires as it is located within a delineated Very High Fire Hazard Severity Zone (VHFHSZ) as shown on Figure IX-4, the Countywide Plan Policy Map of Fire Hazard Severity Zones. The project is also located within the County Fire Safety Overlay. The proposed project is required to, and will incorporate the most current fire protection designs, including an adequate water supply for fire flow and fighting purposes. Regardless of the benefits, the proposed development on the project site will expose future visitors of the proposed Route 66 Truck Parking and Cargo Terminal Project to a potential for damage during a major wildland fire. However, the potential for loss of life is considered to be low for the following reasons: the proposed project site is located in a relatively developed area, with very little fuel load, there are two emergency routes that lead away from the project area, I-15 and I-215, and the project site provides access to Cajon Boulevard, which ultimately leads away from the fire hazard zones when traveling south of the project site, and the proposed project will result in the clearing of the 9.2-acre site of vegetation that could support a wildfire. Based on past experience with wildfires in the area, the Valley Region does not experience the same level of wildfire hazards as do the mountain areas where fuel loads are greater, and as such, this part of the County can be successfully evacuated and life preserved, even if structures or property is damaged. Given the type of project proposed—a truck terminal and truck parking site, serving trucks requiring staging of loads and redistribution of goods—exposure to wildfire would have a limited potential to substantially damage the site. As a result, and due to the availability of and access to emergency routes, the potential for loss of life and structures is considered to be a less than significant impact without mitigation.

### **Less Than Significant Impact**

#### **Mitigation Program**

- MM HAZ-1** All accidental spills or discharge of hazardous material during construction activities shall be reported to the Certified Unified Program Agency and shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately a licensed disposal or treatment facility. This measure shall be incorporated into the SWPPP prepared for the proposed project. Prior to accepting the site as remediated, the area contaminated shall be tested to verify that any residual concentrations meet the standard for future residential or public use of the site.

Therefore, no significant adverse impacts are identified or anticipated with implementation of the above mitigation measure.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>X. HYDROLOGY AND WATER QUALITY:</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) result in substantial erosion or siltation on-site or offsite?	<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-site 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 polluted runoff?; or,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **X. HYDROLOGY AND WATER QUALITY**

### **SUBSTANTIATION:**

#### **Impact Analysis**

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

The proposed project is located within the planning area of the Santa Ana Regional Water Quality Control Board (RWQCB). The project would be supplied with water by San Bernardino Municipal Water District (SBMWD or District) that uses local and imported water to meet customer demand.

For a developed area, the only three sources of potential violation of water quality standards or waste discharge requirements are from generation of municipal wastewater, stormwater runoff, and potential discharges of pollutants, such as accidental spills. Municipal wastewater is delivered to San

Bernardino Municipal Water Department's Water Reclamation Plant (WRP), which meets the waste discharge requirements imposed by the RWQCB. To address stormwater and accidental spills within this environment, any new project must ensure that site development implements a Storm Water Pollution Prevention Plan (SWPPP) and a National Pollutant Discharge Elimination System (NPDES) to control potential sources of water pollution that could violate any standards or discharge requirements during construction and a Water Quality Management Plan (WQMP) to ensure that project-related after development surface runoff meets discharge requirements over the short- and long-term. This requirement is further enforced through compliance with RR HYD-1 identified in the Countywide Plan:

*National Pollutant Discharge Elimination System (NPDES): Projects will be constructed in accordance with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, NPDES No. CAS000002. Compliance requires a risk assessment, a SWPPP, and associated BMPs.*

The WQMP would specify stormwater runoff permit Best Management Practices (BMPs) requirements for capturing, retaining, and treating on site stormwater once the project has been developed. Per RR HYD-3 identified in the Countywide Plan, the WQMP must: Control contaminants into storm drain systems; Educate the public about stormwater impacts; Detect and eliminate illicit discharges; Control runoff from construction sites; and, Implement BMPs and site-specific runoff controls and treatments.

Because the project site consists of pervious surfaces, the project has identified onsite drainage that will generally be directed to the perforated infiltration trench, pervious pavement, and other water quality control measures that will be developed as part of the project. The SWPPP would specify the BMPs that the project would be required to implement during construction activities to ensure that all potential water pollutants of concern are prevented from discharge, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. Furthermore, the proposed project must comply with the San Bernardino Countywide Plan requirement that developments creating 10,000 square feet or more of impervious area, and redevelopments adding or replacing 5,000 square feet or more of such area—must implement low-impact development (LID) BMPs to the maximum extent practicable in order to reduce the discharge of pollutants to receiving waters, and also must comply with San Bernardino County Development Code Chapter 83.15, which provides requirements to ensure compliance with projects subject to water quality management plans. With implementation of these mandatory Plans and their BMPs, regulatory requirements identified by the Countywide Plan and Development Code, as well as **Mitigation Measure HAZ-1**, the development of project will not cause a violation of any water quality standards or waste discharge requirements.

#### **Less Than Significant With Mitigation Incorporated**

- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin?*

The project does not propose the installation of any water wells that would directly extract groundwater and the change in pervious surfaces to impervious surfaces will be substantial within the 9.2-acre site, as only 16.5% of the site will consist of landscaping. However, the County requires BMPs that minimize impervious area, so even the areas that would be developed with pavement would be required to contain pervious pavers or other mechanisms to allow for infiltration within the site. The project site is located in the Upper Santa Ana Valley Basin (shown on Figure X-1, the Countywide Plan Groundwater Basins Map). The San Bernardino Municipal Water Department (SBMWD) average consumption in 2020 was 179 gallons per capita per day. The 2020 San Bernardino Valley Regional Urban Water Management Plan (UWMP) indicates that the 2020 demand was 42,218 acre feet (AF) of raw and potable water in the SBMWD service area; a number which is anticipated to increase to 46,661 AF by 2045, while the demand in 2045 would be less than the

projected supply at 53,603 AF. The proposed project is not anticipated to require substantial potable water in support of the project. The main water utilizing sources on site would be landscaping and restroom facilities. The project will install onsite landscaping that is required to abide by the County Code, Chapter 83.10, which pertains to water efficiency standards. Given the minimal demand for water supply to the project site, the projected increase in demand by the project would be well below the amount of water SBMWD produces per capita per day. Thus, given that minimal interference with groundwater recharge would occur due to infiltration requirements by the County, the construction of the Route 66 Truck Terminal Parking and Cargo Terminal Project is not forecast to cause a significant impact to groundwater recharge or groundwater supply. The potential impact under this proposed project is considered less than significant; no mitigation measures other than the installation of standard water conservation fixtures and use of drought resistant landscaping are required; these measures have been incorporated into the design for the project.

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

- c(i) 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 result in substantial erosion or siltation onsite or offsite?*

The proposed project is not anticipated to significantly change the volume of flows downstream of the project site, and would not be anticipated to change the amount of surface water in any water body in an amount that could initiate a new cycle of erosion or sedimentation downstream of the project site. During construction, the project must comply with San Bernardino County Development Code Section 85.11.030, which requires standard erosion control practices to be implemented for all construction. Additionally, as discussed in the San Bernardino Countywide Plan, construction sites are required to prepare and implement a SWPPP in accordance with the requirements of the statewide Construction General Permit and are subject to the oversight of the Santa Ana RWQCB. The SWPPP must include BMPs to reduce or eliminate erosion and sedimentation from soil-disturbing activities, as well as proper materials and waste management.

The onsite drainage system will capture the incremental increase in runoff from the project site associated with project development. Impervious coverage of the site as proposed is anticipated to be about 85% (landscaped area will be about 15% of the site), and onsite surface flows will be collected and conveyed in a controlled manner through the project site through a subsurface infiltration system, such as a corrugated metal pipe (CMP) system, which is used to meet low impact development (LID) requirements, and through other water quality control measures. This system will be designed to capture the peak 100-year flow runoff from the project site or otherwise be detained on site and discharged in conformance with County requirements. The downstream drainage system will not be altered and given the control of future surface runoff from the project site, thus, the potential for downstream erosion or sedimentation will be controlled to a less than significant impact level.

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

- c(ii) 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 substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite?*

The proposed project will alter the existing drainage courses or patterns onsite but will maintain the existing offsite downstream drainage system through control of future discharges from the site, which would prevent flooding onsite or offsite from occurring. Impervious coverage of the site as proposed is anticipated to be about 85% (landscaped area will be about 15% of the site), and onsite surface flows will be collected and conveyed in a controlled manner through the project site through a

subsurface infiltration system, such as a CMP system, which is used to meet LID requirements, and through other water quality control measures. This system will be designed to capture the peak 100-year flow runoff from the project site or otherwise be detained on site and discharged in conformance with San Bernardino County requirements. Thus, the implementation of onsite drainage improvements and applicable requirements will ensure that stormwater runoff will not substantially increase the rate or volume of runoff in a manner that would result in flooding on- or off-site. Impacts under this issue are considered less than significant with no mitigation required.

### **Less Than Significant Impact**

- c(iii) 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 create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*

The proposed project will alter the site such that stormwater runoff within the site will be increased, but will maintain the existing off-site downstream drainage system through control of future discharges from the site to be equivalent to the current conditions. This would prevent the project from exceeding the capacity of existing or planned stormwater drainage systems and from providing substantial additional sources of polluted runoff. The development of the project site collect and convey on site flows in a controlled manner such that runoff will be collected and allowed to infiltrate on site through the provision of subsurface infiltration system, such as a CMP system, which is used to meet LID requirements, and through other water quality control measures. The development of these drainage improvements would be designed to prevent runoff from leaving the project site or otherwise pretreat the runoff before leaving the site to meet County of San Bernardino Requirements. Varying amounts of urban pollutants, such as motor oil, antifreeze, gasoline, pesticides, detergents, trash, animal wastes, and fertilizers, could be introduced into downstream stormwater within the watershed. However, the proposed project is not anticipated to generate discharges that would require pollution controls beyond those already incorporated into the project design and/or required by the County as a standard operating procedure to meet water quality management requirements from the RWQCB. As such, the project is not anticipated to result in a significant adverse impact to water quality or flows downstream of the project with implementation of mitigation outlined below.

The County has adopted stringent best management practices designed to control discharge of non-point source pollution that could result in a significant adverse impact to surface water quality. Although BMPs are mandatory for the project to comply with established pollutant discharge requirements, the **Mitigation Measure HYD-1** is designed to establish a performance standard to ensure that the degree of water quality control is adequate to ensure the project does not contribute significantly to downstream water quality degradation. Compliance will also be ensured through fulfilling the requirements of a SWPPP and WQMP monitored by the County and the RWQCB, and through the implementation of **Mitigation Measure HAZ-1**, which will ensure that discharge of polluted material does not occur or is remediated in the event of an accidental spill. The SWPPP must incorporate the BMPs that meet the performance standard established in **Mitigation Measure HYD-1** for construction, while the WQMP would incorporate BMPs that would apply to the operation stages of the project. Thus, the implementation of onsite drainage improvements and applicable requirements will ensure that that drainage and stormwater will not create or contribute runoff that would exceed the capacity of existing or planned offsite stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts under this issue are considered less than significant with mitigation required.

### **Less Than Significant With Mitigation Incorporated**

- c(iv) *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 impede or redirect flood flows?*

**Less Than Significant Impact** – According to the County of San Bernardino General Plan 100-Year Floodplain Map (Figure X-2), the proposed project is not located in a 100-year or 500-year flood hazard area. Furthermore, development of this site is not anticipated to redirect or impede flood flow at the project site, particularly given that surface flows on site will be directed to the onsite drainage features which will be capable of intercepting the peak 100-year flow rate from the project site or otherwise be detained on site and discharged in conformance with San Bernardino County requirements. Therefore, impacts under this issue are considered less than significant and no mitigation is required.

**Less Than Significant Impact**

- d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Implementation of the project will not expose people or structures to a significant risk of inundation by seiche, tsunami, or other flood hazards. According to the Countywide Plan Dam & Basin Hazards Map (Figure X-3), the project is not located within the limit of flooded area of a nearby dam. The project is located more than 50 miles from the Pacific Ocean, which eliminates the potential for a tsunami to impact the project area. Additionally, a seiche would not occur within the vicinity of the project because no lakes or enclosed bodies of water exist near the site that could be impacted by such an event. It is anticipated that through compliance with the County's Municipal Code and implementation of the onsite drainage system, inundation hazards within the County would be reduced to a level of less than significant. Therefore, the potential to expose people or structures to a significant risk of pollutants due to inundation would be minimal. No mitigation is required.

**Less Than Significant Impact**

- e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The project site is located in the Upper Santa Ana Valley Basin (shown on Figure X-1, the Countywide Plan Groundwater Basins Map), which has been designated very low priority by the Sustainable Groundwater Management Act (SGMA). The SGMA empowers local agencies to form Groundwater Sustainability Agencies (GSAs) to manage basins and requires GSAs to adopt Groundwater Sustainability Plans (GSPs) for crucial groundwater basins in California. The SGMA “requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. For critically over-drafted basins, that will be 2040. For the remaining high and medium priority basins, 2042 is the deadline.”<sup>7</sup> Given that the project is located within a basin that is considered very low priority, no conflict or obstruction of a water quality control plan or sustainable groundwater management plan is anticipated. As such, the project would not conflict with a sustainable groundwater management plan. Water consumption and effects in the basin indicate that the proposed project's water demand is considered to be minimal. By controlling water quality during construction and operations through implementation of both short- (SWPPP) and long- (WQMP) term best management practices at the site, no potential for conflict or obstruction of the Regional Board's water quality control plan has been identified.

**Less Than Significant Impact**

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<sup>7</sup> <https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management>

### **Mitigation Program**

- MM HYD-1**      The project proponent will select best management practices from the range of practices identified by the County and reduce future non-point source pollution in surface water runoff discharges from the site to the maximum extent practicable, both during construction and following development. The Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP) shall be submitted to the County for review and approval prior to ground disturbance and the identified BMPs installed in accordance with schedules contained in these documents.
- MM HAZ-1**      All accidental spills or discharge of hazardous material during construction activities shall be reported to the Certified Unified Program Agency and shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately a licensed disposal or treatment facility. This measure shall be incorporated into the SWPPP prepared for the proposed project. Prior to accepting the site as remediated, the area contaminated shall be tested to verify that any residual concentrations meet the standard for future residential or public use of the site.

Therefore, no significant adverse impacts are identified or anticipated with implementation of the above mitigation measures.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XI. LAND USE AND PLANNING:</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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"/>

## **XI. LAND USE AND PLANNING**

### **SUBSTANTIATION:**

#### *a) Physically divide an established community?*

Refer to the aerial photos provided as Figures 1 and 2, which depict the project's regional and site-specific location. The project site is zoned for Heavy Industrial (HI) and the General Plan land use designation is Heavy Industrial (HI). The proposed project would occur within a site located near the community of Devore within the Glen Helen Specific Plan area of San Bernardino County. The proposed truck parking and truck terminal would be developed within an industrial corridor that extends along Cajon Boulevard and Kendall Drive. The proposed use of this site would be consistent with the surrounding uses which include an auto yard, logistics centers, and warehouses. Additionally, a similar truck terminal and parking use is anticipated to be developed on the parcel adjacent to the site on the other side of the railroad tracks. Given that the development of the proposed project at this site would be consistent with and similar to the surrounding uses, development of the Route 66 Truck Parking and Cargo Terminal Project at this location would be consistent with both the uses surrounding the project and the surrounding land use designations and zoning classifications. Consequently, the development of the project site with the proposed use will not divide any established community in any manner. Therefore, no significant impacts under this issue are anticipated and no mitigation is necessary

#### **No Impact**

#### *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?*

The proposed project will develop a truck parking and truck terminal within a vacant site containing weeds, and non-native and native vegetation. The project site is located within the zoned for HI under the Glen Helen Specific Plan and the General Plan land use designation is HI. The County's recently approved Countywide Plan lists the following Goals and Policies under the Land Use Element:

- Goal LU-1: Growth and development that builds thriving communities, contributes to our Complete County, and is fiscally sustainable.
  - Applicable policies:
    - Policy LU-1.2 Infill Development
    - Policy LU-1.5 Development Impact Fees
- Goal LU-2 Land Use Mix and Compatibility: An arrangement of land uses that balances the lifestyle of existing residents, the needs of future generations, opportunities for commercial and industrial development, and the value of the natural environment.
  - Applicable policies:
    - Policy LU-2.1: Compatibility with existing uses



- Policy LU-2.2: Compatibility with planned uses
  - Policy LU-2.3: Compatibility with natural environment
  - Policy LU-2.4: Land Use Map consistency
  - Policy LU-2.6: Coordination with adjacent entities
  - Policy LU-2.12: Office and industrial development within the Valley Region
- Goal LU-4 Community Design: Preservation and enhancement of unique community identities and their relationship with the natural environment.
  - Applicable policies:
    - Policy LU-4.2: Fire-adapted communities
    - Policy LU-4.3: Native or drought-tolerant landscaping
    - Policy LU-4.5: Community identity

The proposed project would be consistent with the above goals and policies. A review of all other General Plan Goals (Housing Element, Infrastructure & Utilities Element, Transportation & Mobility Element, Natural Resources Element, Renewable Energy & Conservation Element, Cultural Resources Element, Hazards Element, Personal & Property Protection Element, Economic Development Element, and Health & Wellness Element) indicates that the proposed project is consistent with all applicable Goals, often with mitigation, as demonstrated by the findings in the pertinent sections of this Initial Study. The proposed project can be implemented without significant effects on the circulation system; all infrastructure exists at or can be extended to the site to support the Route 66 Truck Parking and Cargo Terminal Project; it can meet the requirements set forth in the Economic Development Element pertaining to new revenue generating development; it will not generate significant air emissions or GHG emissions; it will meet noise design requirements with mitigation; it can meet all Safety Element requirements; and it implements the land use compatibility requirements of the Health and Wellness Element. Therefore, the implementation of this project at this site will be consistent with surrounding land uses, and current use of the site. The project would therefore have a less than significant potential to conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No mitigation is required to minimize impacts under this issue.

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

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XII. MINERAL RESOURCES:</b> Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **XII. MINERAL RESOURCES**

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

a) *Physically divide an established community?*

The proposed project is located on an undeveloped site containing non-native and native vegetation and weeds, and as such, does not contain any known important minerals resources. The San Bernardino Countywide Plan Mineral Resource Zones map indicates that the proposed project is located within the MRZ-2 zone—a known or highly likely location for mineral resources to occur—for aggregate resources (Figure XII-1). However, the proposed project is not within an area designated by the State Mining and Geology Board in 1987 or 2013 as shown on Figure XII-2, which depicts Regional Significant Construction Aggregate Resource Areas in the San Bernardino Production-Consumption Region. Given that the proposed project is not located on a delineated state or regionally significant site, and that no mineral extraction currently occurs or is known to have ever occurred on the property, it is anticipated that the development of the site would have a less than significant to result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

### **Less Than Significant Impact**

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?*

The proposed Route 66 Truck Parking and Cargo Terminal Project would not result in a significant impact under any of the Initial Study Checklist Topics, provided mitigation measures are implemented. As stated above, the San Bernardino Countywide Plan Mineral Resource Zones map indicates that the proposed project is located within the MRZ-2 zone—a known or highly likely location for mineral resources to occur—for aggregate resources (Figure XII-1). Given that the site does not currently support mineral resources and has not supported any mineral resources extraction in the past, it is not anticipated that the proposed project would interfere with a locally important mineral resource recovery site. Furthermore, given the small size of the site and the lack of any mining operations in the immediate vicinity of the project, such a use at this site would be infeasible; additionally, development of the site would not preclude future extraction of resources in the general project area. As such, the development of the proposed Route 66 Truck Parking and Cargo Terminal Project at the proposed site would have a less than significant potential to result in the loss of any available locally important resource recovery site delineated on a local general plan, specific plan or other land use plan.

### **Less Than Significant Impact**

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	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 a project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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"/>

### **XIII. NOISE**

**SUBSTANTIATION:** (Check if project is located in the Noise Hazard Overlay District ☐ or is subject to severe noise levels according to the General Plan Noise Element ☐) The following information utilized in this section was obtained from the technical study “Noise Impact Analyses, Route 66 Truck Parking & Cargo Terminal Project, County of San Bernardino, California” prepared by Giroux & Associates dated November 7, 2023, and provided as Appendix 5 to this document.

#### **Introduction to Noise Regulations**

Noise is generally described as unwanted sound. The proposed Truck Terminal and Truck Parking Project would ultimately consist of a 28,680 SF truck terminal structure with 32 dock doors, and 92 truck trailer parking spaces. The nearest sensitive receptor is a non-conforming residential use along Kendall Avenue about 350 feet from the closest site perimeter. The proposed project is located within a site adjacent to the railroad tracks, and is therefore in a high background noise level environment. Background traffic noise in this area is relatively high given that the project site is located in close proximity to the I-215, and Cajon Boulevard and Kendall Drive experience consistent volumes of truck traffic serving the nearby industrial uses.

The unit of sound pressure ratio to the faintest sound detectable to a person with normal hearing is called a decibel (dB). Sound or noise can vary in intensity by over one million times within the range of human hearing. A logarithmic loudness scale, similar to the Richter scale for earthquake magnitude, is therefore used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all sound frequencies within the entire spectrum. Noise levels at maximum human sensitivity from around 500 to 2,000 cycles per second are factored more heavily into sound descriptions in a process called “A-weighting,” written as “dBA.”

Leq is a time-averaged sound level; a single-number value that expresses the time-varying sound level for the specified period as though it were a constant sound level with the same total sound energy as the time-varying level. Its unit of measure is the decibel (dB). The most common averaging period for Leq is hourly.

Because community receptors are more sensitive to unwanted noise intrusion during more sensitive evening and nighttime hours, state law requires that an artificial dBA (A-weighted decibel) increment be added to quiet time noise levels. The State of California has established guidelines for acceptable

community noise levels that are based on the Community Noise Equivalent Level (CNEL) rating scale (a 24-hour integrated noise measurement scale). The guidelines rank noise land use compatibility in terms of "normally acceptable," "conditionally acceptable," and "clearly unacceptable" noise levels for various land use types. The State Guidelines, Land Use Compatibility for Community Noise Exposure, single-family homes are "normally acceptable" in exterior noise environments up to 60 dB CNEL and "conditionally acceptable" up to 70 dB CNEL based on this scale. Multiple family residential uses are "normally acceptable" up to 65 dB CNEL and "conditionally acceptable" up to 70 dB CNEL. Schools, libraries and churches are "normally acceptable" up to 70 dB CNEL, as are office buildings and business, commercial and professional uses with some structural noise attenuation.

#### Noise Compatibility

standards for noise exposure for sources that are pre-empted from local control are articulated in the Noise Element of the County Development Code shown in Table 1. These standards apply to transportation noise such as roadways or railways. Industrial uses are not considered noise-sensitive. Guidelines consider most non-residential uses to be "compatible with noise environments up to 65 dB(A) CNEL. Sensitive receptors such as residential uses are recommended to achieve a 60 dB CNEL or lower thresholds.

**Table XIII-1  
NOISE STANDARDS FOR ADJACENT MOBILE NOISE SOURCES**

Land Use		Ldn (or CNEL) dB(A)	
Categories	Uses	Interior <sup>(1)</sup>	Exterior <sup>(2)</sup>
Residential	Single and multi-family, duplex, mobile homes	45	60 <sup>(3)</sup>
Commercial	Hotel, motel, transient housing	45	60 <sup>(3)</sup>
	Commercial retail, bank, restaurant	50	N/A
	Office building, research and development, professional offices	45	65
	Amphitheater, concert hall, auditorium, movie theater	45	N/A
Institutional/Public	Hospital, nursing home, school classroom, religious institution, library	45	65
Open Space	Park	N/A	65
Notes: (1) The indoor environment shall exclude bathrooms, kitchens, toilets, closets and corridors. (2) The outdoor environment shall be limited to: <ul style="list-style-type: none"> <li>• Hospital/office building patios</li> <li>• Hotel and motel recreation areas</li> <li>• Mobile home parks</li> <li>• Multi-family private patios or balconies</li> <li>• Park picnic areas</li> <li>• Private yard of single-family dwellings</li> <li>• School playgrounds</li> </ul> (3) An exterior noise level of up to 65 dB(A) (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 dB(A) (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 conditioning or mechanical ventilation. CNEL = (Community Noise Equivalent Level). The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7 p.m. to 10 p.m. and 10 decibels to sound levels in the night from 10 p.m. to 7 a.m.			

San Bernardino County, in Section 83.01.080 of the County Code, has developed noise performance standards for a variety of land uses that are designed to achieve acceptable interior and/or exterior noise exposures for the affected use. These guidelines for exposure from stationary sources are designed to regulate the level of sound that one use may broadcast across the property line of an adjacent use. Source regulations most commonly use the energy-weighted noisiest single hour called "Leq". The applicable one-hour allowable maximum property line exposures in San Bernardino County for stationary sources are

shown below. If the background already exceeds any of the specified levels in the table below, the allowable thresholds are adjusted upward to equal the background. The industrial property line standard is 70 dB(A) Leq. These standards are shown in Table XIII-2.

**Table XIII-2  
COUNTY OF SAN BERNARDINO NOISE ORDINANCE LIMITS –  
PRIVATE PROPERTY AND STATIONARY SOURCES**

<b>Affected Land Uses (Receiving Noise)</b>	<b>7 a.m. to 10 p.m. Leq<sup>1</sup> dB(A)<sup>2</sup></b>	<b>10 p.m. to 7 a.m. Leq<sup>1</sup> dB(A)<sup>2</sup></b>
Residential	55	45
Professional Services	55	55
Other Commercial	60	60
Industrial	70	70

<sup>1</sup>Leq=(Equivalent Energy Level): The sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period, typically 1.8 or 24 hours.

<sup>2</sup>dB(A)=(A-weighted Sound Pressure Level): The sound pressure level, in decibels, as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound, placing greater emphasis on those frequencies within the sensitivity range of the human ear.

Source: County of San Bernardino General Design Standards, Section 87.0905.

These standards shall apply for a cumulative period of 30 minutes in any hour, as well as plus 5 dBA for a cumulative period of more than 15 minutes in any hour, or the standard plus 10 dBA for a cumulative period of more than 5 minutes in any hour, or the standard plus 15 dBA for a cumulative period of more than 1 minute in any hour, or the standard plus 20 dBA for any period of time.

Noise from temporary construction activities is exempt from the above ordinance levels if the construction activities are between the hours of 7 a.m. and 7 p.m., Monday through Saturday, with no activity on Sundays or Federal Holidays.

#### Project Background

The project proposes develop of a Route 66 Truck Parking and Cargo Terminal Project that would enable truckers to stage loads and redistribute goods. The proposed use would support surrounding uses. The project would develop the proposed truck parking and terminal within a 9.2-acre site located along Cajon Boulevard in Unincorporated San Bernardino County.

The adjacent zoning is as follows:

**Table XIII-3  
ADJACENT ZONING AND LAND USES**

<b>Location</b>	<b>Existing Land Use</b>	<b>Land Use Zoning District</b>
North	Vacant	Heavy Industrial (HI)
South	Vacant	Corridor Industrial (CI)
East	Train tracks, high cube warehouse	Corridor Industrial (CI) and Heavy Industrial (HI)
West	Vehicle storage	Corridor Industrial (CI)

Close to the site are other distribution centers and trucking facilities.

There are three structures that could be residential uses to the north of the project site in the heavily industrial area as shown below in Exhibit XIII-1.

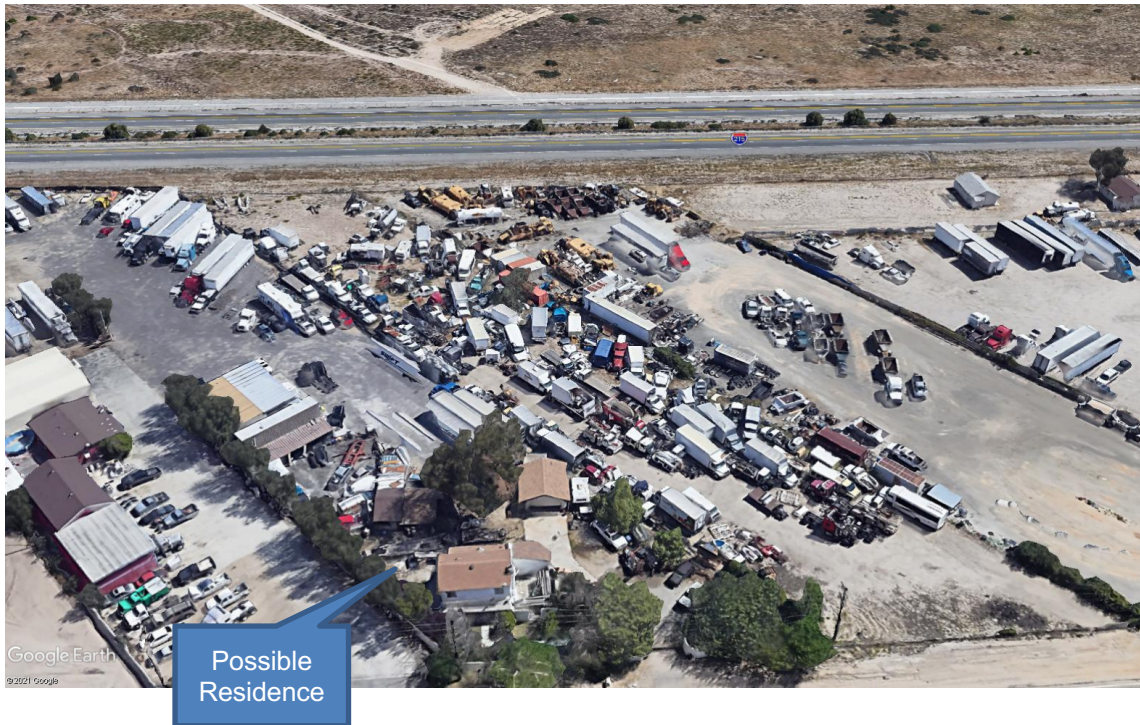
**Exhibit XIII-1**  
**ADJACENT STRUCTURES IN INDUSTRIAL CORRIDOR THAT COULD BE RESIDENTIAL USES**



The structure closest to the site, as shown below, is surrounded by staged trailers, heavy trucks and equipment and it is not known if this house is used as a residence or for business.



**Exhibit XIII-2**  
**CLOSEST STRUCTURE RESEMBLING RESIDENTIAL USE IN INDUSTRIAL CORRIDOR TO THE NORTH**



Although the use of this structure is unknown, for the purpose of this analysis it is treated as the closest sensitive use. The structure is 350 feet from the closest project property line. The terminal itself is 150 feet south of the property line. Therefore, the structure is 500 feet from the closest loading dock façade.

**Baseline Noise Measurements**

Short term on-site noise measurements were made to document baseline levels in the project area. These help to serve as a basis for projecting future noise exposure from the project upon the surrounding community. Noise measurements were conducted on Wednesday, July 21, 2021, in the early afternoon at the locations indicated below. A map of the locations is provided in Table XIII-4.

**Table XIII-4**  
**MEASURED NOISE LEVELS (dBA)**

Site No.	Location	Leq	Lmax	Lmin
1	50 feet E of Cajon Blvd	57.3	67.0	50.0
2	150 feet W of tracks during SB train passage	67.5	79.0	50.0
3	30 ft E of Kendall Drive at closest home	56.0	67.0	52.0

The noise monitoring shows that noise levels in the project vicinity are fairly low even during a commuter train pass by. The majority of the train noise was from the wheels clacking as they passed over the track expansion joints.

**Exhibit XIII-3  
NOISE MEASUREMENT LOCATIONS**



**Impact Analysis**

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of a project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The proposed project is located in a developed area and is adjacent to a major roadway which experiences heavy traffic due to the railroad noise from the railroad tracks adjacent to the project, from traffic along the I-215, Kendall Drive, and Cajon Boulevard, and from the large number of heavy industrial/industrial uses located within the Cajon Boulevard Corridor. The San Bernardino Countywide Plan Existing & Future Noise Contours maps (Figure XIII-1: Existing, Figure XIII-2: Future) indicate that under existing and future circumstances, the proposed project is and will continue to be located within the 65 CNEL noise contour. As such, background noise is anticipated to be generally at or lower than the San Bernardino Development Code noise standard for Industrial uses (70 dBA 24 hours a day).

**Short Term Construction Noise**

Short-term construction noise impacts associated with the proposed project will occur in phases as the project site is developed. The earth-moving sources are the noisiest type of equipment typically ranging from 82 to 85 dB at 50 feet from the source. Temporary construction noise is exempt from the County Noise Performance Standards between 7:00 a.m. and 7:00 p.m., except Sundays and Federal holidays. Furthermore, the San Bernardino County Development Code Section 83.01.080 establishes standards for mobile noise sources by limiting construction to the daytime hours between 7 AM to 7 PM on Monday through Friday and 9 AM to 6PM on Saturday, with construction mobile noise sources prohibited on Sundays.



Table XIII-5 identifies highest (L<sub>max</sub>) noise levels associated with each type of equipment identified for use, then adjusts this noise level for distance to the closest sensitive receptor and the extent of equipment usage (usage factor), which is represented as Leq. The table is organized by construction activity and equipment associated with each activity.

Quantitatively, the primary noise prediction equation is expressed as follows for the hourly average noise level (Leq) at distance D between the source and receiver (dBA):

$$Leq = L_{max} @ 50' - 20 \log (D/50') + 10 \log (U.F\%/100) - I.L.(bar)$$

Where:

L<sub>max</sub> @ 50' is the published reference noise level at 50 feet

U.F.% is the usage factor for full power operation per hour

I.L.(bar) is the insertion loss for intervening barriers

For a construction project such as the proposed project, the construction fleet would include equipment such as shown in Table XIII-5, which describes the noise level for each individual piece of equipment at a reference 50-foot distance. As discussed, there are three potential locations with residential use in the project proximity. The closest is 350 feet from the site perimeter which would afford a -21 dBA attenuation due to distance.

**Table XIII-5  
CONSTRUCTION EQUIPMENT NOISE LEVELS**

Phase Name	Equipment	Usage Factor <sup>1</sup>	Measured Noise @ 50 feet (dB)	Cumulative Noise Level @ 50 feet (dB)	Noise at Closest Potential Sensitive Receptor
Site Prep	Dozer	40%	82	78	57
	Loader/Backhoe	37%	78	74	53
Grading	Grader	40%	85	81	60
	Dozer	40%	82	78	57
	Loader/Backhoe	37%	78	74	53
Building Construction	Forklift	20%	75	68	47
	Gen Set	50%	81	78	57
	Loader/Backhoe	37%	78	74	53
	Crane	16%	81	73	52
	Welder	46%	74	71	50
Paving	Paver	50%	77	74	53
	Paving Equip	40%	76	72	51
	Roller	38%	80	76	55

Source: FHWA's Roadway Construction Noise Model, 2006

Estimates the fraction of time each piece of equipment is operating at full power during a construction operation

Represents the actual hours of peak construction equipment activity out of a typical 8-hour day

The highest construction noise levels at the maximally impacted residential receiver location is expected to approach 60.0 dBA Leq and will satisfy the NIOSH 85 dBA Leq significance threshold during temporary construction activities. The noise impact due to unmitigated construction noise levels is, therefore, considered a less than significant impact at all nearby sensitive receiver locations. Additionally, the proposed project would be constructed in compliance with the County's Noise Performance Standards, and therefore construction of the project would be less than significant. However, to minimize the noise generated on the site to the extent feasible, the **Mitigation Measures NOI-1 through NOI-8** shall be implemented.

#### Long-Term Operational Noise

Long-term operational noise concerns from the Route 66 Truck Parking and Cargo Terminal center on heavy diesel vehicles entering and leaving the site as well as activity at the loading docks. Project related traffic was obtained from the Trip Generation Analysis prepared by Urban Crossroads for this project. According to the traffic study, the project will generate the following quantity of trips and vehicle types for which the associated noise levels were calculated. The worst-case peak hour for either AM or PM was used.

At this distance the noise level would decay by 12 dBA for a net noise level of 42 dBA Leq for the peak hour and 47 dBA for a daily average which would not be audible due to ambient noise levels including the adjacent train tracks and freeway. In addition, the project structure itself will assist with noise attenuation though no credit was taken for this analysis.

Loading and unloading will take place at the terminal building in the center of the site. The closest loading dock façade is 150 to the property line, and 500 feet to the closest possible residence to the north.

The reference noise level for loading docks is intended to describe the expected operational noise sources that may generally include idling trucks, delivery truck activities, backup alarms, as well as loading and unloading of dry goods. Giroux & Associates, in past studies measured a noise level of 67 dBA Leq at a reference distance of 50 feet at a big box retailer. However, this was for refrigerated trucks and warehouses. A non-refrigerated operation would be approximately 4-5 dBA less. This is consistent with measurements used by other noise studies .

A noise level of 60 dBA Leq at 50 feet was adjusted to the distance of the closest residence (500 feet) which would provide -25 dBA of noise attenuation for a net noise level of 35 dBA Leq. The County of San Bernardino noise ordinance standards, presented in Table 2 are referenced below. The industrial noise standard is 70 dBA which would be met at a distance of even 50 feet. The potential residential uses in the industrial neighborhood north of the project could require application of the residential noise standards even though zoning is industrial. However, as shown below, because of distance separation to the site, even the residential nocturnal noise standard would be met.

**Table XIII-6  
COUNTY OF SAN BERNARDINO NOISE ORDINANCE LIMITS – PRIVATE PROPERTY AND STATIONARY SOURCES**

<b>Type of Vehicles</b>	<b># AM Peak Hour</b>	<b># Daily</b>
Passenger Cars	26	248
2 Axle Truck	3	34
3, and 4 Axle Trucks	27	258
Noise Level @ 25 mph @ 50 ft	63.8 dBA Leq	67.4* dBA CNEL

\*assumes approximately 50% of trips are during the night (10 pm to 7 am) and 50% are during the day (7 am -7 pm) with night trips incurring a +10 dBA per hour penalty

During the peak hour, the noise level at 50 feet from the drive aisle is 63.8 dBA Leq. The driveway entry and exit for the site are along Cajon Boulevard, almost 800 feet from the closest residence. At this distance the noise level would decay by 30 dBA for a net noise level of 34 dBA Leq for the peak hour and 37 dBA for a daily average which would not be audible due to ambient noise levels including the adjacent train tracks and freeway.

Loading and unloading will take place at the terminal building in the center of the site. The closest loading dock façade is 150 to the property line, and 500 feet to the closest possible residence to the north.

The reference noise level for loading docks is intended to describe the expected operational noise sources that may generally include idling trucks, delivery truck activities, backup alarms, as well as loading and unloading of dry goods. Giroux & Associates, in past studies measured a noise level of 67 dBA Leq at a reference distance of 50 feet at a big box retailer. However, this was for refrigerated trucks and warehouses. A non-refrigerated operation would be approximately 4-5 dBA less. This is consistent with measurements used by other noise studies.

A noise level of 63 dBA Leq at 50 feet was adjusted to the distance of the closest residence (500 feet) which would provide -25 dBA of noise attenuation for a net noise level of 38 dBA Leq. The County of San Bernardino noise ordinance standards, as previously presented in Table XIII-7 are referenced below. The industrial noise standard is 70 dBA which would be met at a distance of even 50 feet. The potential residential uses in the industrial neighborhood north of the project could require application of the residential noise standards even though zoning is industrial. However, as shown below, because of distance separation to the site, even the residential nocturnal noise standard would be met.

**Table XIII-7  
COUNTY OF SAN BERNARDINO NOISE ORDINANCE LIMITS –  
PRIVATE PROPERTY AND STATIONARY SOURCES**

<b>Affected Land Uses (Receiving Noise)</b>	<b>7 a.m. to 10 p.m. Leq dB(A)</b>	<b>10 p.m. to 7 a.m. Leq dB(A)</b>
Residential Noise Standard	55	45
Industrial Noise Standard	70	70
Project Peak Hour Loading Dock Noise	38 dBA Leq	

Therefore, because site entry and egress are along the Cajon Boulevard frontage (the area furthest from possible sensitive receptors to the north) and because of the distance to the closest sensitive receptors to the loading docks, project noise levels at potential sensitive uses will be below the County of San Bernardino residential or industrial noise standards.

The proposed project is anticipated to generate noise in the evenings, and during the daytime, but as previously stated, it is anticipated that the nearest sensitive receptor will not experience noise disturbance at a level greater than the standards outlined in the San Bernardino County Development Code. However, in order to further minimize operational noise onsite, **Mitigation Measures NOI-9 and NOI-10** shall be implemented.

#### Conclusion

Construction activities are mitigated by required compliance with grading/construction permits, as well as through the implementation of **Mitigation Measures NOI-1 through NOI-8**, while operational activities are mitigated through **Mitigation Measures NOI-9 and NOI-10**.

Trucks entering and leaving the site will use the drive aisle off Cajon Boulevard which is 800 feet to the closest potential sensitive use. Both the peak hourly noise level, and the daily average CNEL, will be low due to distance separation. It was assumed that half of the trucks would be entering/leaving during the nocturnal hours of greatest noise sensitivity which, when calculating a CNEL weighted average noise level incur a 10 dBA penalty.

There are loading docks on both the north and south site of the terminal. Those on the northern façade are closest to possible off-site sensitive uses but are still located at a 500-foot setback distance. The peak hour noise level would be 38 dBA Leq at the properties north of Kendall Drive. Even if the peak hour occurred at night both the industrial and much more stringent residential nocturnal noise standards would be met. Therefore, through the implementation of the mitigation, neither operation or construction of the proposed project would violate noise standards outlined in the San Bernardino County Development Code. Impacts under this issue are considered less than significant with mitigation incorporated.

- 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?*

Vibration is the periodic oscillation of a medium or object. The rumbling sound caused by vibration of room surfaces is called structure borne noises. Sources of groundborne vibrations include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous or transient. Vibration is often described in units of velocity (inches per second), and discussed in decibel (VdB) units in order to compress the range of numbers required to describe vibration. Vibration impacts related to human development are generally associated with activities such as train operations, construction, and heavy truck movements.

Vibration is most commonly expressed in terms of the root mean square (RMS) velocity of a vibrating object. RMS velocities are expressed in units of vibration decibels. The range of vibration decibels (VdB) is as follows:

65 VdB	-	threshold of human perception
72 VdB	-	annoyance due to frequent events
80 VdB	-	annoyance due to infrequent events
94-98 VdB	-	minor cosmetic damage

Construction activity can result in varying degrees of groundborne vibration, but is generally associated with pile driving and rock blasting. Other construction equipment—such as air compressors, light trucks, hydraulic loaders, etc.—generates little or no ground vibration. The San Bernardino County Development Code offers guidance on Vibration. San Bernardino County Development Code 83.01.090 provides guidance regarding how vibration should be measured and offers the following Standard:

*(a) Vibration standard. 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 (0.2) inches per second measured at or beyond the lot line.*

Additionally, according to the San Bernardino County Development Code, construction is exempt from vibration regulations during the hours of 7 a.m. and 7 p.m..

To determine potential impacts of the project's construction activities, estimates of vibration levels induced by the construction equipment at various distances are presented below:

**Table XIII-7  
CONSTRUCTION VIBRATION**

Equipment	Approximate Vibration Levels (VdB)*		
	25 feet	50 feet	350 feet
Pile Driver	93	87	67
Large Bulldozer	87	81	61
Loaded Truck	86	80	60
Jackhammer	79	73	53
Small Bulldozer	58	52	32

\* (FTA Transit Noise & Vibration Assessment, Chapter 12, Construction, 2006)

A pile driver is not anticipated for use at this site. The nearest sensitive use is 350 feet from the closest site perimeter. Therefore, construction vibration will be well below any structural damage threshold and less than the threshold of human perception. Furthermore, vibration related to construction activities will be less than significant because the project is required to and therefore will limit construction to the hours indicated in the San Bernardino County Development Code. Operational vibration is anticipated to be less than significant given that there are no sensitive receptors within 350 feet of the proposed project site. Therefore, any vibration generated within the site is not anticipated to be felt beyond the lot line and any impacts under this issue are considered less than significant. No mitigation is required.

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

- 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?*

The project site is located at a great distance from any nearby airport. As shown on the Airport Safety & Planning Areas map prepared for the San Bernardino Countywide Plan (Figure IX-2), the proposed project is not located within a designated Airport Safety Review Area at any of the area airports shown on the Map (Ontario International Airport, San Bernardino International Airport, and Redlands Airport), and therefore is not located within the noise contours for the Airport. Therefore, there is no potential for the project expose people residing or working in the project area to excessive noise levels as a result of proximity to a public airport or private airstrip. No mitigation is required.

#### **No Impact**

#### **Mitigation Program**

- MM NOI-1** All construction vehicles and fixed or mobile equipment shall be equipped with operating and maintained mufflers.
- MM NOI-2** All employees that will be exposed to noise levels greater than 75 dB over an 8-hour period shall be provided adequate hearing protection devices to ensure no hearing damage will result from construction activities.
- MM NOI-3** No construction activities shall occur during the hours of 7 PM through 7 AM, Monday through Saturday; at no time shall construction activities occur on Sundays or holidays, unless a declared emergency exists.
- MM NOI-4** Equipment not in use for five minutes shall be shut off.

- MM NOI-5**      Equipment shall be maintained and operated such that loads are secured from rattling or banging.
- MM NOI-6**      Construction employees shall be trained in the proper operation and use of equipment consistent with these mitigation measures, including no unnecessary revving of equipment.
- MM NOI-7**      The Applicant shall require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by the County.
- MM NOI-8**      Construction staging areas shall be located as far from adjacent sensitive receptor locations as possible, for example toward the western boundary of the site.
- MM NOI-9**      The truck access gates, scattered parking lot spaces, and loading docks on the Project site shall be posted with signs which state:
- Truck drivers shall turn off engines when not in use;
  - Diesel trucks servicing the Project shall not idle for more than five (5) minutes; and
  - Post telephone numbers of the building facilities manager to report idling violations.
- MM NOI-10**    The Applicant shall maintain quality pavement conditions on the property that are free of vertical deflection (i.e. speed bumps) to minimize truck noise.

Therefore, no significant adverse impacts are identified or anticipated with implementation of the above mitigation measures.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XIV. POPULATION AND HOUSING:</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

#### **XIV. POPULATION AND HOUSING**

##### **SUBSTANTIATION:**

- a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

Implementation of the project will not induce substantial population growth in the area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). This project proposes to develop a Route 66 Truck Parking and Cargo Terminal Project within a 9.2-acre site. The provision of a parking facility, specifically for truckers which by nature are transient, is not typically considered to be growth inducing. The proposed project would not require a significant number of employees to operate (anticipated to create no more than 30 positions of employment). It is unknown whether the new employees will be drawn from the general area or will bring new residents to the project area, but it is anticipated that many of the employees will reside in the Valley Region of San Bernardino County. According to the Countywide Plan, the total population within unincorporated San Bernardino County was 304,300 persons in 2020, or 13.8% of the overall County population of 2,197,400. According to the San Bernardino Countywide Plan PEIR, the population of unincorporated San Bernardino County is anticipated to grow to 344,100 by 2040. The proposed project would create a potential for 30 more permanent opportunities for employment during operation, and 50 temporary opportunities for employment in support of project construction. This would constitute a permanent increase in population of less than one percent if each of the 30 new workers are new residents to unincorporated San Bernardino County. Given that the County General Plan indicates that the planned population within unincorporated San Bernardino is anticipated to grow by 39,800 from the 2020 population identified in the Countywide Plan (304,300), the potential increase in residents is well within the planned population growth within unincorporated San Bernardino County. As such, the County has planned for growth in population beyond that which exists at present, and should the project result in a temporary increase in population by 50 persons, or by 30 persons in the long term to manage and maintain the new sports complex, this growth would be well within the planned growth within the County as indicated by the Countywide Plan PEIR. Thus, based on the type of project, and the small increment of potential indirect population growth the project may generate, the population generation associated with project implementation will not induce substantial population growth that exceeds either local or regional projections.

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

- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

There are no residences within the project site, as the project site is vacant containing non-native and native vegetation and weeds. No persons currently reside on the site and therefore, implementation of the proposed project will not displace substantial numbers of existing housing, or persons necessitating the construction of replacement housing elsewhere. Thus, no impacts will occur and no mitigation is required.

**No Impact**

**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 Impact</i>	<i>No Impact</i>
<b>XV. PUBLIC SERVICES:</b> Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **XV. PUBLIC SERVICES**

### **SUBSTANTIATION:**

- a) *Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?*

The proposed project site is served by the San Bernardino County Fire Department, and the nearest Fire Stations to the proposed project site are Station #232 and Station #2. These stations are located just north and south of the project site, each within a one mile radius of the project site. Additionally, there is a Department of Forestry and Fire Protection (CAL FIRE) station located just north of the project site. The San Bernardino County Fire Department provides fire protection, fire prevention, and emergency medical services to the project area. The proposed Route 66 Truck Parking and Cargo Terminal Project would result in minimal potential for random emergency events during operations, because the majority of the activities at the site would be related to parking, loading, and unloading of trucks. The project will be served by fire equipment at nearby fire stations, which would be capable of reaching the proposed project in the event of an emergency of fire in less than 5 minutes. Furthermore, in the event of a wildfire, the proposed project and project area would be served by the nearby CAL FIRE station. Based on the above information, the proposed project does not pose a significant fire or emergency response hazard, nor is the proposed project forecast to cause a significant demand for fire protection services. The County will require standard conditions to ensure adequate fire flow at the proposed facilities, and the project will be required to adhere to the California Fire Code, which ensures that new structures are designed to minimize fire risks related to human safety (including that of emergency responders), loss of property, and other impacts to the environment. Furthermore, the proposed project would not induce substantial population within the County such that a significantly greater demand on fire protection services would be required. These requirements are considered adequate measures to prevent any significant impacts under this issue, thus no mitigation is required.

**Less Than Significant Impact**

- b) *Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Police protection?*

The proposed project receives police services through the San Bernardino County Sheriff's Department. The Department enforces local, state, and federal laws; performs investigations and makes arrests; administers emergency medical treatment; and responds to County emergencies. The project site is served by the Central Sheriff Service Agency as shown on Figure XV-1, which depicts the service area of Sheriff Operations from the San Bernardino Countywide Plan. The Central Sheriff's Station is located at 655 East Third Street, San Bernardino, California 92415-0061, which is approximately 10 miles to the southwest of the project site, and the project is located within the existing patrol routes. The proposed project will not include the kind of uses or activities that would likely attract criminal activity, except for random trespass and/or theft; however, any random trespass is unlikely given that the facility will be fenced to control access and the type of activities proposed would not typically attract criminal activities. Furthermore, the proposed project would not induce substantial population within the County such that a significantly greater demand on police services would be required. Therefore, due to the proposed use of the project site, implementation of the proposed project would not substantially increase the demand for law enforcement services beyond that already existing at the project site.

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

- c) *Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Schools?*

The proposed project is anticipated to temporarily employ a maximum of 50 persons during construction and a maximum of 30 persons during operation of the proposed project. The project is not anticipated to generate any new direct demand for the area schools. The Route 66 Truck Parking and Cargo Terminal Project would be developed within a site served by San Bernardino City Unified School District (SBCUSD). As addressed above under issue Population and Housing, XV(a) above, the proposed project does not include any land uses that would substantially induce population growth, and will not require a substantial temporary or permanent labor force. The development of truck trailer parking and a truck terminal at this site is not anticipated adversely impact schools in any manner. Furthermore, the State of California requires a portion of the cost of construction of public schools to be paid through a fee collected on residential, commercial, and industrial developments. The development impact fee mitigation program of the SBCUSD provides for mitigating the impacts of the proposed project in accordance with current state law (SB 50). Thus, the proposed project will not generate a substantial increase in elementary, middle, or high school population, and since payment of school impact fees is a mandatory requirement, no further mitigation measures are required to reduce school impacts caused by the proposed project to a less than significant level.

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

- d) *Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Parks?*

The proposed project will not directly add to the existing demand on local recreational facilities. The project will develop a Route 66 Truck Parking and Cargo Terminal Project which will result in the creation of about 30 new jobs. The project is not anticipated to generate any new direct demand for parks within the County, as this project would have a minimal potential to induce population growth within the County. The Glen Helen Regional Park, a 1,340-acre park at the base of Cajon Pass, is the nearest park in the vicinity of the project site, shown on Figure XV-2, the Countywide Plan Parks and Open Space Resources Policy Map. The project will contribute to the County's General Fund through payment of property and sales tax, which is considered sufficient to offset any impacts to parks that result from implementing the project. As such, this would offset the minimal potential for increased demand for park and recreation services within the County that may result from implementation of the proposed project and therefore, the proposed project will have a less than significant impact to parks and recreation facilities.

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

- e) *Will the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Other public facilities?*

Other public facilities include library and general municipal services. According to the Countywide Plan, County library services are funded mostly through taxes—mainly property taxes and sales taxes. State, federal, and other government assistance, in addition to library fees, also fund the library. Since the project will not directly induce substantial population growth, it is not forecast that the use of such facilities will increase as a result of the proposed project. Thus, any impacts under this issue are considered less than significant, and no mitigation is required.

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

**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 Impact</i>	<i>No Impact</i>
<b>XVI. RECREATION:</b>				
a) Will the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would 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"/>

## **XVI. RECREATION**

### **SUBSTANTIATION:**

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

As addressed in the discussion under XIV above, the proposed project does not include a use that would substantially induce population growth. As stated in the discussion under Population and Housing, the project would create about 30 jobs at the new Route 66 Truck Parking and Cargo Terminal Project; however, it is unknown what portion of the employees will be new residents. The proposed project will contribute to the County's General Fund through payment of property and sales tax. Given that the proposed project would not induce substantial population growth, and the availability of land for recreational use in the surrounding area, the project is not anticipated to result in a substantial increase in the use of existing park and recreation facilities. Therefore, any impacts under this issue are considered less than significant. No mitigation is required.

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

- 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?*

The proposed project site is vacant and does not include any recreational uses at present. The proposed Route 66 Truck Parking and Cargo Terminal Project will not require the development or expansion of recreational facilities. Therefore, the proposed project is not anticipated to cause an adverse physical effect on the environment as a result of construction or expansion of recreational facilities.

#### **No Impact**

**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 Impact</i>	<i>No Impact</i>
<b>XVII. TRANSPORTATION:</b> Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous inter-sections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## **XVII. TRANSPORTATION**

**SUBSTANTIATION:** A Trip Generation Assessment is provided as Appendix 6a to this Initial Study, titled “Route 66 Truck Parking and Cargo Terminal (PROJ-2021-00066) Scoping Agreement (Revised)” prepared by Urban Crossroads, dated October 23, 2023. A Vehicle Miles Travelled Analysis (VMT Analysis) is provided as Appendix 6b to this Initial Study, titled “Route 66 Truck Parking and Cargo Terminal (PROJ-2021-00066) Vehicle Miles Travelled (VMT) Screening Evaluation” prepared by Urban Crossroads, dated October 23, 2023.

- a) *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Implementation of the project will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. The project is located along Cajon Boulevard near the railroad bridge that crosses over the roadway. Cajon Boulevard has been designated as a Major Highway according to the San Bernardino Countywide Plan EIR (Figure XVII-1). The San Bernardino County Transportation Authority 2016 Congestion Management Program<sup>8</sup> indicates the Level of Service (LOS) of Cajon Boulevard is an LOS “B,” and the San Bernardino County Transit Authority (SBCTA) has identified LOS E as the minimum acceptable standard on CMP-designated roadway segments and intersections.

### **Construction**

During construction it is anticipated that a maximum number of 50 employees will be required to support the construction of the project each day. Delivery of construction supplies and removal of any excavated materials, if necessary, will be accomplished using trucks during normal working hours, with a maximum of 50 round trips per day. As such, construction is anticipated to result in about 100 round-trips per day. The construction traffic is considered minimal and not anticipated to lower the LOS levels within this roadway segment or surrounding segments to an unacceptable level.

### **Operation**

Due to the nature of this type of a project, many of the trips to this site would be accomplished on the way to another site because it is anticipated that the use of the site would be to support nearby warehouse and logistics center uses, of which there are many within a 3 mile radius of the project site. Given that Cajon Boulevard is currently operating at acceptable conditions, and the ingress and egress from the project site will be reviewed by County traffic engineers prior to construction, it is not

<sup>8</sup> <https://www.gosbcta.com/wp-content/uploads/2019/10/2016-Congestion-Management-Plan-.pdf>

anticipated that traffic generated by operation of the truck parking and truck terminal would lower the LOS levels within this roadway segment or surrounding segments to an unacceptable level.

A Trip Generation Assessment is provided as Appendix 6a titled “Route 66 Truck Parking and Cargo Terminal (PROJ-2021-00066) Scoping Agreement (Revised)” was prepared by Urban Crossroads. Traffic counts were collected at the driveways for 700 Eckhoff Street in Orange, California on November 10, and 12, 2020. A summary of the count data collected over the 2 days is provided in Attachment B to the Trip Generation Assessment (TGA). The total trip generation for the site for each day is shown, as is the average 2-day trip generation. This location has 95 dock doors.

Similarly, traffic counts were collected at a second location at 2550 E. 28th Street in Vernon, California on November 24, and 25, 2020. A summary of the count data collected over the 2 days is provided in Attachment B to the TGA. The total trip generation for the site for each day is shown, as is the average 2-day trip generation. This location has 80 dock doors.

Lastly, traffic counts were recently collected at a third location at 20388 Harvill Avenue in Perris, California on November 30, and December 1, 2021. A summary of the count data collected over the 2 days is provided in Attachment B to the TGA. The total trip generation for the site for each day is shown, as is the average 2-day trip generation. This location has 154 dock doors.

The number of dock doors has been utilized as the independent variable in calculating the trip generation rates as opposed to square footage since the proposed building is not intended to be used for the storage of materials. The trip generation for a truck terminal warehouse could be better correlated to the number of dock doors due to the truck activity associated with the transfer of goods. The trip generation rates calculated for the proposed truck terminal land use based on an average of data collected at the 3 sites discussed above, as presented in Attachment B to the TGA. The data collected at the 3 sites indicates most of the truck activity occurs outside of the typical morning and evening peak hours (7-9 AM and 4-6 PM). The average 2-day trip generation for each site was then divided by the number of applicable dock doors to develop the trip generation rates for each site and then averaged between the 3 sites. The resulting average trip generation rate for the 3 sites is shown on Table XVII-1, below.

Finally, passenger car equivalent (PCE) factors were applied to the trip generation rates to convert trips made by heavy trucks (large 4+-axles trucks) to PCE values. PCEs allow the typical “real-world” mix of vehicle types to be represented as a single, standardized unit, such as the passenger car, to be used for the purposes of capacity and level of service analyses. The PCE factors are consistent with the recommended PCE factors in the County’s Guidelines.

**Table XVII-1  
ITE TRIP GENERATION RATES**

Land Use <sup>1</sup>	Units <sup>2</sup>	AM Peak Hour			PM Peak Hour			Daily
		In	Out	Total	In	Out	Total	
<b>Trip Generation Rates: Actual Vehicles</b>								
Truck Terminal								
Passenger Cars	DD <sup>1</sup>	0.110	0.055	0.165	0.048	0.036	0.084	1.673
2-Axle Trucks		0.002	0.006	0.008	0.005	0.000	0.005	0.147
3-Axle Trucks		0.006	0.010	0.016	0.041	0.013	0.053	0.447
4+Axle Trucks		0.017	0.033	0.051	0.033	0.019	0.052	0.966

Land Use <sup>1</sup>	Units <sup>2</sup>	AM Peak Hour			PM Peak Hour			Daily
		In	Out	Total	In	Out	Total	
<b>Trip Generation Rates: Actual Vehicles</b>	DD <sup>1</sup>							
Truck Terminal								
Passenger Cars		0.110	0.055	0.165	0.048	0.036	0.084	1.673
2-Axle Trucks		0.003	0.009	0.012	0.007	0.000	0.007	0.221
3-Axle Trucks		0.012	0.020	0.032	0.081	0.025	0.0	0.894
4+Axle Trucks		0.052	0.100	0.152	0.100	0.056	0.0	2.899

<sup>1</sup> DD = Dock Doors

<sup>2</sup> Trip generation rates calculated based on average of 2-day trip generation data collected at 3 existing facilities.

Based on the trip generation rates shown in Table XVII-1, the project trip generation has been calculated and is shown in Table XVII-2. As shown in Table XVII-2, the proposed project is anticipated to generate 106 two-way daily trips with 8 AM peak hour trips and 6 PM peak hour trips. The resulting trip generation for the proposed project is shown in Table XVII-2 in PCE. As shown in Table XVII-2, the proposed Project is anticipated to generate 186 two-way PCE trips per day, with 12 PCE AM peak hour trips and 12 PCE PM peak hour trips. For the purposes of determining the need for peak hour intersection operations analysis, the PCE-based peak hour volumes shown in Table XVII-2 will be utilized..

**Table XVII-2  
PROJECT TRIP GENERATION RATES**

Land Use <sup>1</sup>	Quantity Units	AM Peak Hour			PM Peak Hour			Daily
		In	Out	Total	In	Out	Total	
<b>Trip Generation Rates: Actual Vehicles</b>	32 DD <sup>1</sup>							
Truck Terminal		4	2	6	2	1	3	54
Passenger Cars		0	0	0	0	0	0	6
2-Axle Trucks		0	0	0	1	0	1	14
3-Axle Trucks		1	1	2	1	1	2	32
4+Axle Trucks		1	1	2	2	1	3	53
<b>Total Trips (Actual Vehicles)</b>		<b>5</b>	<b>3</b>	<b>8</b>	<b>4</b>	<b>2</b>	<b>6</b>	
<b>Trip Generation Rates: PCE</b>	32 DD							
Truck Terminal		4	2	6	2	1	3	54
Passenger Cars		0	0	0	0	0	0	8
2-Axle Trucks		0	1	1	3	1	4	30
3-Axle Trucks		2	3	5	3	2	5	94
4+Axle Trucks		2	4	6	6	3	9	132
<b>Total Trips (PCE)<sup>2</sup></b>		<b>6</b>	<b>6</b>	<b>12</b>	<b>8</b>	<b>4</b>	<b>12</b>	<b>186</b>

<sup>1</sup> DD = Dock Doors

<sup>2</sup> Trip generation rates calculated based on average of 2-day trip generation data collected at 3 existing facilities.

The traffic impact study area is to be defined in conformance with the requirements of the County's TIS Guidelines, which state that the requirement to prepare a traffic study will be based upon, but not limited to, one or more of the following criteria:

- If a project generates 100 or more trips without consideration of pass-by trips during any peak hour.
- If a project is located within 300 feet of the intersection of two streets designated as Collector or higher in the County's General Plan or the Department's Master Plan or impacted intersection as determined by the Traffic Division.
- If this project creates safety or operational concerns.

Based on this criterion, the project is anticipated to generate fewer than 100 peak hour trips during any peak hour and would contribute fewer than 50 peak hour trips to any off-site study area intersection. As such, additional traffic analysis beyond the scoping agreement does not appear to be necessary, and no significant contributions from the project to area circulation would occur.

The project site is currently accessible by car, though sidewalk has not been installed along this segment of Cajon Boulevard. The project will be required to install sidewalk concurrent with construction of the project. Additionally, this segment of Cajon Boulevard does not currently provide for a bike lane, though ultimately, the County plans to install a Class II Bike Lane as shown on Figure XVII-2, the Countywide Future Bicycle Facilities Map. The County may require setbacks that would enable this bikeway in the future. The site will continue to be accessible by existing means of transport, with enhanced access to the site through the proposed driveways.

The project site is located within the service area of Omnitrans, though no routes serve the project site at present. However, the area surrounding the project is served by the SBX Greenline, which stops at the park and ride at Palm Avenue and Kendall Drive about one mile south of the project site and serves the E Street Corridor, Cal State University San Bernardino at the north and Loma Linda University & Medical Center. Based on this information, the proposed project is not anticipated to conflict with the circulation of any alternative modes of transportation.

Based on a review of the circulation in the vicinity of Route 66 Truck Parking and Cargo Terminal Project, the minimal peak hour traffic that would be generated over the short- and long-term by the proposed project, and that will contribute to off- and on-site improvements to area roadways and sidewalks, this project would have a less than significant potential to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

### **Less Than Significant Impact**

*b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

Senate Bill 743 mandates that California Environmental Quality Act (CEQA) guidelines be amended to provide an alternative to Level of Service for evaluating transportation impacts. The amended CEQA guidelines, specifically Section 15064.3, recommend the use of Vehicle Miles Traveled (VMT) for transportation impact evaluation. Urban Crossroads prepared a VMT screening evaluation to determine whether the proposed project would result in a significant VMT impact (refer to Appendix 6b).

The County of San Bernardino Board of Supervisors adopted analytical procedures, screening tools and impact thresholds for VMT, which are documented in the San Bernardino County Transportation Impact Study Guidelines (July 2019) (County Guidelines). The County Guidelines provides details on appropriate criteria that can be used to identify when a proposed land use project is anticipated to result in a less than significant impact without conducting a more detailed analysis. Screening thresholds are broken into the following four types. A land use project need only to meet one of the above screening thresholds to result in a less than significant impact.

- **Local Serving Project Screening:** County Guidelines exempt projects that serve the local community from VMT assessments. These projects typically include retail spaces under 50,000



square feet and other essential local services, such as local parks, day care centers, public schools, medical/dental office buildings, and more.

- The Project does not intend to develop any locally serving uses.
- *The Project Type screening criteria is not met.*
- **Local Serving Project Screening:** County Guidelines state small projects generating less than 110 daily vehicles trips are presumed to have a less than significant impact on VMT.
  - County Guidelines state small projects generating less than 110 daily vehicles trips are presumed to have a less than significant impact on VMT.
  - The proposed Project is estimated to generate 106 daily vehicle trips, which is below the County's 110 daily trips screening threshold.
  - *Projects Generating Less Than 110 Daily Vehicle Trips Screening criteria is met.*
- **Transit Priority Area Screening:** County Guidelines state that projects located within a Transit Priority Area (TPA) (i.e., within 1/2 mile of an existing "major transit stop"<sup>1</sup> or an existing stop along a "high-quality transit corridor"<sup>2</sup>) may be presumed to have a less than significant impact absent substantial evidence to the contrary. However, the presumption may not be appropriate if a project:
  - Has a Floor Area Ratio (FAR) of less than 0.75;
  - Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking);
  - Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization); or
  - Replaces affordable residential units with a smaller number of moderate- or high-income residential units.
  - Based on the Screening Tool results presented in Attachment C, the Project site is not located within 1/2 mile of an existing major transit stop, or along a high-quality transit corridor.
  - *TPA Screening criteria not met.*
- **Low VMT Area Screening:** As noted in the County Guidelines, "development in efficient areas of the County will reduce VMT per person/employee and is beneficial to the region"<sup>3</sup> County Guidelines state that projects with VMT per person/employee lower than 4% below the existing VMT per person for the unincorporated County are considered to have a less than significant VMT impact.

The Screening Tool enables users to input an assessor's parcel number (APN) to assess if a project's location meets one or more of the screening thresholds for land use projects. It employs the sub-regional San Bernardino Transportation Analysis Model (SBTAM) to evaluate VMT performance within individual traffic analysis zones (TAZs) in the region. The Project's physical location is input into the Screening Tool to compare the VMT in the project-located TAZ with the jurisdictional average. The parcel containing the proposed Project and the Screening Tool was ran for the VMT per worker (employee) metric. According to the Screening Tool results (see Attachment C), the Project's TAZ is not located in a low VMT area.

  - *Low VMT Area Screening is not met.*

#### VMT Conclusion

The project was evaluated against screening criteria as outlined in the County Guidelines, and was found to meet the Projects Generating Less Than 110 daily trips criteria. The project is presumed to have a less than significant VMT impact.

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

- c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The proposed project will occur entirely within the project site boundaries, though it will involve improvements along Cajon Boulevard in order to develop the proposed driveways that will provide

access to the proposed truck parking area. Large trucks delivering equipment or removing small quantities of excavated dirt or debris can enter the site without major conflicts with the flow of traffic on the roadways used to access the site. Primary access to the site will be provided by the new driveways along Cajon Boulevard. Cajon Boulevard has been designated as a Major Highway serving the Community of Glen Helen / Devore within the Valley Region of San Bernardino County. In the vicinity of the project site, this roadway is generally relatively heavily traveled as it serves as a major through way that parallels the I-215. The proposed new access driveways will be designed such that the project would not increase hazards due to a geometric design feature or incompatible uses. Furthermore, access to the site must comply with County design standards and would be reviewed by the County to ensure that inadequate design features or incompatible uses do not occur. Additionally, the proposed project would be required to comply with all applicable fire code and ordinance requirements for construction and access to the site. Emergency response and evacuation procedures would be coordinated with the County, as well as the police and fire departments. Because the proposed project will require some improvements along Cajon Boulevard, the project will require implementation of a traffic management plan, which will ensure adequate circulation within the County. As such, to mitigate the potential impacts to traffic flow during construction, the **Mitigation Measures TRAN-1 and TRAN-2** shall be implemented. Upon implementation of a construction traffic management plan, any potential increase in hazards due to design features or incompatible use will be considered less than significant in the short term. In the long term, no impacts to any hazards or incompatible uses in existing or planned roadways are anticipated. Operation of the proposed Route 66 Truck Parking and Cargo Terminal Project would be similar to the surrounding uses, and the design of the project would not create any hazards to surrounding roadways. Thus, any impacts are considered less than significant with implementation of mitigation. No additional mitigation is required.

#### **Less Than Significant With Mitigation Incorporated**

d) *Result in inadequate emergency access?*

The proposed project consists of activities that will take place along Cajon Boulevard within the Unincorporated area of Glen Helen within the County of San Bernardino. Vehicles travelling to and from the project site would utilize Cajon Boulevard to access the site. Primary access to the site will be provided by the new driveways. Access to the site is adequate and the nearest emergency response station is located within a mile of the project site to either the north or south of the project site. As shown on Figure IX-3, there is an emergency evacuation route located east, west, and north of the project site, as the I-215 and I-15 have been delineated as such on the Countywide Plan Evacuation Route Map. With implementation of **Mitigation Measures TRAN-1 and TRAN-2**, adequate emergency access along Cajon Boulevard will be maintained. Thus, because of the lack of adverse impact on local circulation no potential for significant impacts on emergency access are forecast to occur during construction or operation. No further mitigation is required.

#### **Less Than Significant With Mitigation Incorporated**

**MM TRAN-1** The County shall mandate that the Applicant require their contractors prepare a construction traffic control plan. Elements of the plan should include, but are not necessarily limited to, the following:

- Develop circulation and detour plans, if necessary, to minimize impacts to local street circulation. Use haul routes minimizing truck traffic on local roadways to the extent possible.
- To the extent feasible, and as needed to avoid adverse impacts on traffic flow, schedule truck trips outside of peak morning and evening commute hours.
- Install traffic control devices as specified in Caltrans' Manual of Traffic Controls for Construction and Maintenance Work Zones where needed to maintain safe

driving conditions. Use flaggers and/or signage to safely direct traffic through construction work zones.

- For roadways requiring lane closures that would result in a single open lane, maintain alternate one-way traffic flow and utilize flagger-controls.
- Coordinate with facility owners or administrators of sensitive land uses such as police and fire stations, hospitals, and schools. Provide advance notification to the facility owner or operator of the timing, location, and duration of construction activities.

**MM TRAN-2** The County shall require that all disturbances to public roadways be repaired in a manner that complies with the Standard Specifications for Public Works Construction (green book) or other applicable County of San Bernardino standard design requirements.

Therefore, no significant adverse impacts are identified or anticipated with implementation of the above mitigation measures.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XVIII. TRIBAL CULTURAL RESOURCES:</b> Will the project:				
a) Would the project cause a substantial change in the significance of tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to the 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"/>

#### **XVIII. TRIBAL CULTURAL RESOURCES**

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

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

- i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or?*
- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

The County has been contacted by seven Tribes under Assembly Bill (AB) 52: 1) Colorado River Indian Tribes, 2) Fort Mojave Indian Tribe, 3) Gabrieleño Band of Mission Indians – Kizh Nation, 4) Morongo Band of Mission Indians, 5) San Gabriel Band of Mission Indians, 6) San Manuel Band of Mission Indians, and 7) Soboba Band of Luiseno Indians. The tribes were contacted to initiate the AB-52 process on October 28, 2021 to notify the tribes of the proposed project through mailed letters. During the 30-day consultation period, the Gabrieleño Band of Mission Indians (Gabrieleño Band)

was the only tribe to respond. The Gabrieleño Band requested that mitigation be incorporated to ensure protection of potential tribal cultural resources within the project site, as such **Mitigation Measures TCR-1 through TCR-3** shall be implemented. These mitigation measures will ensure that a Native American monitor is available to monitor the site and to recover unearthed tribal cultural resources, and ultimately to ensure appropriate treatment of such resources, which is sufficient to ensure protection of such resources by the Gabrieleño and County standards. Furthermore, **Mitigation Measures TCR-1 through TCR-3** would ensure appropriate procedures are followed in the event of the unanticipated discovery of human remains and associated funerary objects, including procedures for burials and funerary remains treatment. Ultimately, the implementation of **Mitigation Measures TCR-1 through TCR-3** would prevent significant adverse impacts to tribal cultural resources, and impacts under this issue are considered less than significant with mitigation. No further mitigation is required beyond that which was identified under Section V, Cultural Resources.

### **Mitigation Program**

#### **MM TCR-1      Retain a Native American Monitoring by the Gabrieleño Band of Mission Indians – Kizh Nation Prior to Commencement of Ground-Disturbing Activities**

- A. The project applicant shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation & contract retention proof by/between Gabrieleño Band of Mission Indians – Kizh Nation and applicant/developer shall be submitted to County for verification. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground- disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- B. A copy of the executed monitoring agreement shall be submitted to the Lead Agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground- disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.
- D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for The project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to The project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.
- E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet)

and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the including for educational, cultural and/or historic purposes.

**MM TCR-2                      Unanticipated Discovery of Human Remains and Associated Funerary Objects**

- A. 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 Public Resources Code Section 5097.98, are also to be treated according to this statute.
- B. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain 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 they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.
- C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)
- E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. 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 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.
- F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

**MM TCR-3:                      Procedures for Burials and Funerary Remains:**

- A. As the Most Likely Descendant (MLD), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient times, 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.
- B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.

- C. 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. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.
- D. 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.
- E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, 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.
- F. 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.
- G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall 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.

Therefore, no significant adverse impacts are identified or anticipated with implementation of the above mitigation measures.

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

#### **XIX. UTILITIES AND SERVICE SYSTEMS**

#### **SUBSTANTIATION:**

##### Impact Analysis

- a) *Require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects?*

Water will be provided by the SBMWD. The project is located in an area that is currently served by water transmission lines, and as such, the proposed project will be served by an existing water transmission line located within the roadway adjacent to the project site. It is not anticipated that the relocation or construction of new or expanded water transmission would be required to serve the proposed project. SBMWD that uses groundwater from the Bunker Hill Basin to meet customer demand. As previously stated under issue X, Hydrology and Water Quality, the District's Urban Water Management Plan (2020) identifies sufficient water resources to meet demand in its service area. The project will operate under the guidelines outlined in the UWMP and within SBMWD's capacity, and the estimated water demand will represent only a nominal percentage of the surplus that currently exists in the water supply. The anticipated demand of water supply within SBMWD's retail service area is anticipated to be greater than the demand for water in the future, which indicates that the District has available capacity to serve the proposed project. Therefore, development of the Route 66 Truck Parking and Cargo Terminal Project would not result in a significant environmental effect related to the relocation or construction of new or expanded water facilities. Impacts are less than significant.



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

- a) *Require or result in the relocation or construction of new or expanded wastewater treatment, or facilities, the construction or relocation of which could cause significant environmental effects?*

The Wastewater collection will be provided by San Bernardino Municipal Water Department's (SMWD) Water Reclamation Plant (WRP). The project is located in an area that is currently served by sewer transmission lines, and as such, the proposed project will be served by an existing sewage transmission line located within the roadway adjacent to the project site. It is not anticipated that the relocation or construction of new or expanded wastewater transmission would be required to serve the proposed project. The WRP is a 33 million gallon per day (MGD) regional secondary treatment facility that provides services to a number of cities, including Unincorporated areas of San Bernardino County. The WRP receives approximately 28 MGD of wastewater per day, and therefore has available capacity to accommodate the project's wastewater generation. It is not anticipated that SBMWD would need to expand their existing facilities to accommodate the wastewater generated by the proposed project. This is discussed further under issue XIX(c) below. Therefore, development of the project would not result in a significant environmental effect related to the relocation or construction of new or expanded wastewater facilities. Impacts are less than significant.

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

- a) *Require or result in the relocation or construction of new or expanded or stormwater drainage facilities, the construction or relocation of which could cause significant environmental effects?*

The stormwater runoff, will be managed in accordance with the WQMP as discussed in the Hydrology and Water Quality Section (Section X) of this Initial Study. The onsite drainage system will capture the incremental increase in runoff from the project site associated with project development. Impervious coverage of the site as proposed is anticipated to be about 85% (landscaped area will be about 15% of the site), and onsite surface flows will be collected and conveyed in a controlled manner through the project site through a subsurface infiltration system, such as a corrugated metal pipe (CMP) system, which is used to meet low impact development (LID) requirements, and through other water quality control measures. This system will be designed to capture the peak 100-year flow runoff from the project site or otherwise be detained on site and discharged in conformance with San Bernardino County requirements. Therefore, surface water will be adequately managed on site and as such, development of the project would not result in a significant environmental effect related to the relocation or construction of new or expanded stormwater facilities. Impacts are less than significant.

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

- a) *Require or result in the relocation or construction of new or expanded electric power facilities, the construction or relocation of which could cause significant environmental effects?*

Southern California Edison (SCE) will provide electricity to the site and the power distribution system located adjacent to the site will be able to supply sufficient electricity. There are existing electrical power lines that traverse the property, in which the project will be connected. No construction or relocation of electric facilities will be required to serve the project. Therefore, development of the project would not result in a significant environmental effect related to the relocation or construction of new or expanded electric power facilities. Impacts are less than significant.

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

- a) *Require or result in the relocation or construction of new or expanded natural gas facilities, the construction or relocation of which could cause significant environmental effects?*

Development of the proposed truck terminal and truck parking would not create a demand for natural gas. Therefore, the project would not result in a significant environmental effect related to the relocation or construction of new or expanded natural gas facilities. No impacts are anticipated.

**No Impact**

- a) *Require or result in the relocation or construction of new or expanded telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Development of the proposed truck terminal and truck parking would require installation of wireless internet service or phone service, but such services are available for connection at the project site, with no expanded services required to meet demand. Therefore, the project would not result in a significant environmental effect related to the relocation or construction of new or expanded telecommunication facilities. No impacts are anticipated.

**No Impact**

- b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

Please refer to the discussion under Hydrology, Section X(b). The project site is located in the Upper Santa Ana Valley Basin (shown on Figure X-1, the Countywide Plan Groundwater Basins Map). The main water utilizing sources on site would be landscaping and restroom facilities. The project will install onsite landscaping that is required to abide by the County Code, Chapter 83.10, which pertains to water efficiency standards. In order to receive water and wastewater collection service from the SBMWD, an Out of Area Service Agreement will need to be obtained from the San Bernardino County Local Agency Formation Commission. The SBMWD average consumption in 2020 was 179 gallons per capita per day. The 2020 San Bernardino Valley Regional UWMP indicates that the 2020 demand was 42,218 acre feet (AF) of raw and potable water in the SBMWD service area; a number which is anticipated to increase to 46,661 AF by 2045, while the demand in 2045 would be less than the projected supply at 53,603 AF. As such, the 2020 San Bernardino Valley Regional UWMP indicates that the anticipated demand of water supply within SBMWD's retail service area is anticipated to be greater than the demand for water in the future, which indicates that SBMWD has available capacity to serve the proposed project. The proposed project is not anticipated to require substantial potable water in support of the project. Given the minimal demand for water supply to the project site, the projected increase in demand by the Project is well below the amount of water SBMWD produces per capita per day. Thus, based on the availability of water within the area the development of the Route 66 Truck Parking and Cargo Terminal Project within the 9.2-acre site is not forecast to cause a significant demand for water supply and is therefore anticipated to be served by a water provider with sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. Based on these substantiating data, provision of domestic water supply can be accomplished without causing significant impacts on the existing water system or existing entitlements. However, **Mitigation Measure UTIL-1** shall be implemented to reduce consumption of potable water by the project site should recycled water become available at the project site in the future, as recycled water use would be appropriate for this type of use. With implementation of the **Mitigation Measure UTIL-1** as well as the installation of standard water conservation fixtures and use of drought resistant landscaping, which are required by the County, and have been incorporated into the design for the project, impacts under this issue would be less than significant.

**Less Than Significant Impact**

- 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?*

The proposed project would install wastewater infrastructure within the site to serve the proposed truck parking and truck terminal uses concurrent with the development of the site. All wastewater generated by the interior plumbing system of the proposed project would be discharged into the local sewer main and conveyed for treatment through SBMWD's WRP. All wastewater generated by the interior plumbing system of the new structures proposed by the project would be discharged into the local sewer main and conveyed for treatment through SBMWD's WRP. The WRP is a 33 MGD regional secondary treatment facility that provides services to a number of cities and serves portions of Unincorporated San Bernardino County. According to the SBMWD website, the WRP receives approximately 28 MGD of wastewater per day. The project will generate only a modest amount of wastewater, through the use of the onsite restroom facilities. This wastewater will represent a miniscule percentage of the available capacity of the permitted wastewater treatment capacity available through SBMWD. As such, it is anticipated that there will be available capacity to accommodate the demand generated by the proposed project. Impacts under this issue are less than significant.

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

- 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?*

Solid waste generation rates outlined in the San Bernardino Countywide Plan EIR in Table 5.18-11, indicate the following solid waste generation rates for non-residential uses, also below are the solid waste generation rates calculated for the proposed project.

▪ Industrial: 0.010 lb / 1 SF / day	=	<b>280 lbs / day</b>
▪ TOTAL:	=	<b>280 lbs / day</b> <b><u>or 102,200 lbs /year</u></b>

The total solid waste generated per year would equal about 51.1 tons, or after an assumed 75% diversion to be recycled per the state's solid waste diversion requirements under AB 939 and AB 341, the project solid waste generation will be about 12.8 tons per year. With the County's mandatory source reduction and recycling program, the proposed project is not forecast to cause a significant adverse impact to the waste disposal system. Additionally, as this project would be developed after 2022, operation of the project would be required to comply with SB1383, otherwise known as "California's Short-Lived Climate Pollutant Reduction" law, often called SB 1383, which establishes methane reduction targets for California. California SB 1383 sets goals to reduce disposal of organic waste in landfills, including edible food.<sup>9</sup> The bill's purpose is to reduce greenhouse gas emissions, such as methane, and address food insecurity in California. This requires jurisdictions to implement mandatory organic waste collection and recycling in a statewide effort to divert organic waste from landfills with goals to:

- Reduce organic waste disposal 50% by 2020 and 75% by 2025
- Recover at least 20% of currently disposed surplus edible food by 2025

As such, while the proposed project is likely to generate a significant amount of organic waste, much of the organic waste produced at the project site in future will be required to be diverted from landfills, and as such, the amount of waste generated by the proposed project that would end up in landfills is even less than the reduced tonnage quoted above.

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<sup>9</sup> <https://reducewaste.sccgov.org/food-recovery/understand-senate-bill-sb-1383#3925188384-318395615>

The San Bernardino Countywide Plan identifies landfills that serve the planning area. The San Timoteo Sanitary Landfill and Mid-Valley Sanitary Landfill serve the project area. The San Timoteo Sanitary Landfill has a maximum permitted daily capacity of 2,000 tons per day, with a permitted capacity of 20,400,000 cubic yards (CY), with 11,402,000 CY of capacity remaining. The Mid-Valley Sanitary Landfill has a maximum permitted daily capacity of 7,500 tons per day, with a permitted capacity of 101,300,000 CY, with 67,520,000 CY of capacity remaining. The County anticipates an increase in solid waste generation of 5,979,355 pounds per day at Build-Out of the Countywide Plan. Therefore, the proposed project would consist of about 0.0049% of solid waste generation within the County of San Bernardino.

Construction would not require demolition of any structures, though it would require vegetation removal which can be removed and transported to a green waste collection facility. There is adequate capacity at the nearest landfill as well as in other landfills that serve the area to handle construction and operational waste from the proposed project. Any hazardous materials collected on the project site during construction of the project will be transported and disposed of by a permitted and licensed hazardous materials service provider. Considering the availability of landfill capacity and the amount of solid waste generation from the proposed project during both construction and operations, project solid waste disposal needs can be adequately met without a significant impact on the capacity of the nearest landfills. Furthermore, new projects will be constructed in accordance with the California Green Building Standards Code, which requires a minimum of 65 percent of the “non-hazardous construction and demolition debris” (by weight or volume) to be recycled or reused. Therefore, it is expected that implementation of the Route 66 Truck Parking and Cargo Terminal Project will be served by landfills with sufficient permitted capacity to accommodate the project’s solid waste disposal needs. Any impacts under this issue are considered less than significant.

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

- e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

All collection, transportation, and disposal of any solid waste generated by the proposed project is required to comply with all applicable federal, state, and local regulations. As previously stated, solid waste produced in the Glen Helen area of the County is collected and transported by the Burrtec. The area is served by several nearby landfills, though the closest are the San Timoteo Sanitary Landfill and Mid-Valley Sanitary Landfill, which, as stated under issue XIX(d) above, have adequate capacity to serve the project. New projects will also store and collect recyclable materials in compliance with AB 341. Green waste will be handled in accordance with AB 1826. Additionally, any hazardous materials collected on the project site during either construction or operation of the project will be transported and disposed of by a permitted and licensed hazardous materials service provider, as stated under issue VIII, Hazards and Hazardous Materials above. Furthermore, new projects will be constructed in accordance with the California Green Building Standards Code, which requires a minimum of 65 percent of the “non-hazardous construction and demolition debris” (by weight or volume) to be recycled or reused. As such, the construction contract for this project will require concrete, asphalt and base material to be recycled by grinding, which allows reuse of these materials, should any require removal as part of the project. All woods and other vegetation that is reusable shall be recycled or composted, where applicable.

Thus, and the amount and types of wastes that will be generated both during construction and operation of the project, the potential impacts to the waste disposal systems are considered less than significant. Therefore, the project is expected to comply with all regulations related to solid waste under federal, state, and local statutes. No mitigation is necessary.

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

**Mitigation Program**

**MM UTL-1**      If recycled water becomes available at the project site, the Applicant shall connect to this system and utilize recycled water for landscape irrigation, and any other feasible uses of recycled water on the project site.

Therefore, no significant adverse impacts are identified or anticipated with implementation of the above mitigation measures.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<b>XX. 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 checked="" type="checkbox"/>	<input type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

## **XX. WILDFIRE**

### **SUBSTANTIATION:**

#### *a) Substantially impair an adopted emergency response plan or emergency evacuation plan?*

The proposed project area is an area susceptible to wildland fires, and is located within an area delineated as a Very High Fire Hazard Severity Zone (VHFHSZ) in a State Responsibility Area (SRA) shown on Figure XX-1, the CALFIRE Fire Hazard Severity Zone (FHSZ) Map; the majority of the area in and around Cajon Pass is located within a VHFHSZ, as shown on Figure IX-4, the Countywide Plan Policy Map of Fire Hazard Severity Zones. As stated under Section XVII, Transportation under issue (d), there is an emergency evacuation route located north, west, and east of the project, the I-15 and I-215 freeways have been delineated as such on the Evacuation Route map provided as Figure IX-3. The proposed project is not located along this emergency route, nor would implementation of the project impede emergency response from accessing the site or surrounding area. As stated under issue XVIII(c), the proposed project would develop a truck parking and terminal, and access to the site as well as site design must comply with County design standards and would be reviewed by the County to ensure that inadequate design features or incompatible uses do not occur. Additionally, the proposed project would be required to comply with all applicable fire code and ordinance requirements for construction and access to the site. Though the project is located within a very high fire hazard severity zone within an SRA, impacts to emergency response and/or emergency evacuation plans are considered less than significant.

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

#### *b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?*

The proposed project is located within a vacant site in the Community of Glen Helen, at the base of the entryway to Cajon Pass; it is located in a relatively flat area as it is within the Valley Region. The

project site is relatively flat, though it slopes gently from northwest to southeast, and will be graded to create level foundations upon which to develop the parking lot, and the approximately 28,000 SF truck terminal building. The proposed project is located in an urban environment that contains similar industrial uses, though due to the proximity to Cajon Wash and the Glen Helen Regional Park, there are nearby areas that remain undeveloped or contain native vegetation. Once in operation, the proposed project will consist of a truck parking lot with relatively minimal indoor structures serving the proposed use. The proposed project will remove vegetation, thereby minimizing the potential fire risks within this site, and the proposed project will be subject to a design review by the County to ensure that the development of a truck terminal and parking at this site is designed in accordance with fire department recommendations and to County design standards. Furthermore, given that, based on past experience with wildfires in the area, this area can be successfully evacuated and life preserved due to the availability of evacuation routes, there is a less than significant potential for the proposed project to expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. Therefore, impacts under this issue are considered less than significant. No mitigation is required.

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

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The project will require associated infrastructure in support of the truck parking and truck: the project will require a potable water connection to SBMWD's service area; the project will require a wastewater connection to SBMWD's service area; and the project will require a connection to SoCal Edison's electrical system through a connection to the adjacent powerlines. As stated above, the project will require removal of vegetation located within the project site. However, the project will be required to implement **Mitigation Measure WF-1**, which would minimize fire risk during activities that would utilize electric equipment by requiring construction crews to carry fire prevention equipment during activities involving electrical equipment. The proposed project would not result in any ongoing impacts to the environment that would exacerbate fire risk as the proposed project is a truck parking and truck terminal that will be designed in accordance with fire department recommendations and to County design standards. Therefore, with the implementation of **Mitigation Measure WF-1**, the project would not have a significant potential to exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. Impacts under this issue are considered less than significant.

#### **Less Than Significant With Mitigation Incorporated**

- 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?*

The proposed project is located within a site that slopes slightly from north to south, with the elevation ranging from 1,868' at the highest point to 1,838' at the lowest point which is not a substantial variation in elevation. The discussion under Section VII, Geology and Soils, concluded that the project would not have a significant potential to experience landslides or slope instability, particularly given that this project area has not been delineated as containing potential for landslides or slope instability by the San Bernardino Countywide Plan, and that the project would be graded to enable a level surface for the proposed structure and parking areas that would be developed by this project. The proposed project is located in an area that has not been historically subject to flooding. Furthermore, given that the project would install a subsurface infiltration system, such as a corrugated metal pipe (CMP) system, which is used to meet low impact development (LID) requirements, pervious area would change, but runoff would be captured on site in conformance with County requirements; compaction, grading, and overall construction of this site would minimize slope instability by design. Therefore, the development of the Route 66 Truck Parking and Cargo Terminal Project at this site is anticipated

to have a less than significant potential to 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.

### **Less Than Significant Impact**

#### **Mitigation Program**

**MM WF-1**      During site clearing within the project site when any electrical construction equipment is in use, the construction crew shall have fire prevention equipment (such as fire extinguishers, emergency sand bags, etc.) to put out any accidental fires that could occur from the use of electrical construction/maintenance equipment.

Therefore, no significant adverse impacts are identified or anticipated with implementation of the above mitigation measures.



Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<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 will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### **XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

**SUBSTANTIATION:** The analysis in this Initial Study and the findings reached indicate that the proposed project may result in one unavoidable significant adverse impact to the existing environment, but the proposed project can be implemented without causing any other new project specific or cumulatively considerable unavoidable significant adverse environmental impacts. Mitigation is required to control potential environmental impacts of many environment issues, other than potential impacts to area vehicle miles traveled and possibly tribal cultural resources to a less than significant impact level. The potential impacts to scenic vistas will be evaluated in a "Focused" Environmental Impact Report (EIR). The following findings are based on the detailed analysis in the Initial Study of all environmental topics and the implementation of the mitigation measures identified in the previous text and summarized following this section.

- 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?*

The project has no potential to cause a significant impact to any biological or cultural resources. Development of the proposed Project will contribute to the change of the project site with an intensification of development greater than that which presently exists on the site. The proposed project would not contribute to the reduction in special status species habitat, as none was determined to exist at the project site. Thus, this loss of heavily disturbed habitat is not considered cumulatively considerable. The proposed project will not cause adverse cumulative effects related to the reduction of sensitive vegetation communities present in the project area because there are no such communities located within the project area. Based on compliance with the required mitigation to protect nesting birds and the overall lack of any habitat to support sensitive species or a substantial wildlife population, the proposed project will not result in adverse cumulative biology resource impacts

that rise to a cumulatively considerable level. Based on the project area, and the site cultural survey for the project site, the potential for impacting cultural resources is low.

The Cultural Resources Report determined that no cultural resources of importance were found on the ground surface at the project site, so it is not anticipated that any cultural resources could be affected by the project because no known cultural resources exist. However, because it is not known what could be unearthed upon any excavation activities, contingency mitigation is provided to ensure that, in the unlikely event that any buried resources are found, they are protected from any potential significant impacts. Please see biological and cultural sections of this Initial Study.

#### **Less Than Significant With Mitigation Incorporated**

- 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)?*

The project has 12 potential impact categories that are individually limited, but may be cumulatively considerable. These are: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Energy, Geology & Soils, Hazards & Hazardous Materials, Hydrology & Water Quality, Noise, Transportation, Tribal Cultural Resources, Utilities & Service Systems, and Wildfire. The project is not considered growth-inducing, as defined by *State CEQA Guidelines*. These referenced issues require the implementation of mitigation measures to reduce impacts to a less than significant level and ensure that cumulative effects are not cumulatively considerable. All other environmental issues were found to have no potential significant impacts without implementation of mitigation. The potential cumulative environmental effects of implementing the proposed project have been determined to be less than considerable and thus, less than significant impacts.

#### **Less Than Significant With Mitigation Incorporated**

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

The project will achieve long-term community goals by providing an additional recycling collection facility, which would contribute to the County's ability to meet State recycling requirements. The short-term impacts associated with the project, which are mainly construction-related impacts, are less than significant with mitigation, and the proposed project is compatible with long-term environmental protection. The issues of Air Quality, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Wildfire require the implementation of mitigation measures to reduce human impacts to a less than significant level. All other environmental issues were found to have no significant impacts on humans without implementation of mitigation. The potential for direct human effects from implementing the proposed project have been determined to, therefore, be less than significant.

#### **Less Than Significant With Mitigation Incorporated**

#### **Conclusion**

This document evaluated all CEQA issues contained in the latest Initial Study Checklist form. With the exception of potential impacts to scenic vistas, the evaluation determined that either no impact or less than significant impacts would be associated with the issues of Agriculture and Forestry Resources, Energy, Greenhouse Gases, Land Use and Planning, Mineral Resources, Population and Housing, Public Services, and Recreation. The issues of Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology & Soils, Hazards & Hazardous Materials, Hydrology & Water Quality, Noise, Transportation, Tribal Cultural

Resources, Utilities & Service Systems, and Wildfire require the implementation of mitigation measures to reduce project specific and cumulative impacts to a less than significant level. The required mitigation has been proposed in this Initial Study to reduce impacts for these issues to a less than significant impact level.

Based on the findings in this Initial Study, the County of San Bernardino proposes to adopt a Mitigated Negative Declaration (MND) for the Route 66 Truck Parking and Cargo Terminal Project. A Notice of Availability/Notice of Intent to Adopt a Mitigated Negative Declaration (NOA/NOI) will be issued for this project by the County. The Initial Study and NOA/NOI will be circulated for 30 days of public comment because this project involves the state as either a responsible or trustee agency. At the end of the 30-day review period, a final MND package will be prepared, and it will be reviewed by the County for a possible adoption at a future County Planning Commission hearing, the date for which has not yet been determined. If you or your agency comments on the MND/NOA/NOI for this project, you will be notified about the meeting date in accordance with the requirements in Section 21092.5 of CEQA.

## **MITIGATION MEASURES**

Any mitigation measures that are not “self-monitoring” shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval. Condition compliance will be verified by existing procedure.

### **Aesthetics**

- AES-1 Prior to approval of the Final Design, an analysis of potential glare from sunlight or exterior lighting that may impact vehicles traveling on adjacent roadways shall be submitted to the County for review and approval. This analysis shall demonstrate that due to orientation and/or shielding of lighting, no significant glare may be caused that could negatively impact drivers on the adjacent right-of-way or impact adjacent land uses. If potential glare impacts are identified, the lighting orientation, use of non-glare reflective materials or other design solutions acceptable to the County of San Bernardino shall be implemented to eliminate glare impacts.

### **Air Quality**

- AQ-1 Fugitive Dust Control. The following measures shall be incorporated into project plans and specifications for implementation during construction:
- Apply soil stabilizers to inactive areas.
  - Prepare a high wind dust control plan and implement plan elements and terminate soil disturbance when winds exceed 25 mph.
  - Stabilize previously disturbed areas if subsequent construction is delayed.
  - Apply water to disturbed surfaces and haul roads 3 times/day.
  - Replace ground cover in disturbed areas quickly.
  - Reduce speeds on unpaved roads to less than 15 mph.
  - Trenches shall be left exposed for as short a time as possible.
  - Identify proper compaction for backfilled soils in construction specifications.
- This measure shall be implemented during construction, and shall be included in the construction contract as a contract specification.
- AQ-2 Exhaust Emissions Control. The following measures shall be incorporated into Project plans and specifications for implementation:
- Utilize off-road construction equipment that has met or exceeded the maker's recommendations for vehicle/equipment maintenance schedule.
  - Contactors shall utilize Tier 4 or better heavy equipment.
  - Enforce 5-minute idling limits for both on-road trucks and off-road equipment.
- AQ-3 Maximize the use of solar energy including solar panels by installing the maximum possible number of solar energy arrays on the building roofs and/or on the Proposed Project site to generate solar energy for the facility.
- AQ-4 Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.
- AQ-5 Require use of electric or alternatively fueled sweepers with HEPA filters.
- AQ-6 Maximize the planting of trees in landscaping and parking lots consistent with water availability.
- AQ-7 Use light colored paving and roofing materials.
- AQ-8 Utilize only Energy Star heating, cooling, lighting devices, and appliances, where applicable.

## **Biological Resources**

- BIO-1 Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).

## **Cultural Resources**

- CUL-1 Should any cultural resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection shall be performed immediately by a qualified archaeologist. Responsibility for making this determination shall be with the County. The archaeological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.

## **Geology and Soils**

- GEO-1 Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. Where covering is not possible, measures such as the use of straw bales or sand bags shall be used to capture and hold eroded material on the project site for future cleanup such that erosion does not occur.
- GEO-2 All exposed, disturbed soil (trenches, stored backfill, etc.) shall be sprayed with water or soil binders twice a day, or more frequently if fugitive dust is observed migrating from the site within which the project is being constructed.
- GEO-3 Based upon the geotechnical investigation (Appendix 4a of this document), all of the recommended design and construction measures identified in Appendix 4a (listed on Pages 8-9, and 10-21) shall be implemented by the Applicant. Implementation of these specific measures will address all of the identified geotechnical constraints identified at project site, including soil stability on future project-related structures.
- GEO-4 The Applicant shall retain the services of a Qualified Paleontologist meeting the standards of SVP (2010). The Qualified Paleontologist shall determine the depth at which the transition to high sensitivity occurs and monitoring becomes necessary, by taking into account: a) the most recent local geologic mapping, b) depths at which fossils have been found in the vicinity of the project area, as revealed by the museum records search, and c) geotechnical studies of the project area, if available. Should the project require excavation that will exceed the depth of low sensitivity surficial sediments as determined by a Qualified Paleontologist, a project-specific paleontological resources monitoring and mitigation plan (PRMMP) shall be developed and adhered to for the duration of ground disturbance activities during construction or as otherwise determined by the Qualified Paleontologist. This plan will address specifics of monitoring and mitigation for the development project, and will take into account updated geologic

mapping, geotechnical data, updated paleontological records searches, and any changes to the regulatory framework. This PRMMP shall meet the standards of the SVP (2010).

### **Hazards and Hazardous Materials**

- HAZ-1 All accidental spills or discharge of hazardous material during construction activities shall be reported to the Certified Unified Program Agency and shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately a licensed disposal or treatment facility. This measure shall be incorporated into the SWPPP prepared for the proposed project. Prior to accepting the site as remediated, the area contaminated shall be tested to verify that any residual concentrations meet the standard for future residential or public use of the site.

### **Hydrology and Water Quality**

- HYD-1 The project proponent will select best management practices from the range of practices identified by the County and reduce future non-point source pollution in surface water runoff discharges from the site to the maximum extent practicable, both during construction and following development. The Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP) shall be submitted to the County for review and approval prior to ground disturbance and the identified BMPs installed in accordance with schedules contained in these documents.

### **Noise**

- NOI-1 All construction vehicles and fixed or mobile equipment shall be equipped with operating and maintained mufflers.
- NOI-2 All employees that will be exposed to noise levels greater than 75 dB over an 8-hour period shall be provided adequate hearing protection devices to ensure no hearing damage will result from construction activities.
- NOI-3 No construction activities shall occur during the hours of 7 PM through 7 AM, Monday through Saturday; at no time shall construction activities occur on Sundays or holidays, unless a declared emergency exists.
- NOI-4 Equipment not in use for five minutes shall be shut off.
- NOI-5 Equipment shall be maintained and operated such that loads are secured from rattling or banging.
- NOI-6 Construction employees shall be trained in the proper operation and use of equipment consistent with these mitigation measures, including no unnecessary revving of equipment.
- NOI-7 The Applicant shall require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by the County.
- NOI-8 Construction staging areas shall be located as far from adjacent sensitive receptor locations as possible, for example toward the western boundary of the site.
- NOI-9 The truck access gates, scattered parking lot spaces, and loading docks on the Project site shall be posted with signs which state:
- Truck drivers shall turn off engines when not in use;

- Diesel trucks servicing the Project shall not idle for more than five (5) minutes; and
- Post telephone numbers of the building facilities manager to report idling violations.

NOI-10 The Applicant shall maintain quality pavement conditions on the property that are free of vertical deflection (i.e. speed bumps) to minimize truck noise.

### **Transportation**

TRAN-1 The County shall mandate that the Applicant require their contractors prepare a construction traffic control plan. Elements of the plan should include, but are not necessarily limited to, the following:

- Develop circulation and detour plans, if necessary, to minimize impacts to local street circulation. Use haul routes minimizing truck traffic on local roadways to the extent possible.
- To the extent feasible, and as needed to avoid adverse impacts on traffic flow, schedule truck trips outside of peak morning and evening commute hours.
- Install traffic control devices as specified in Caltrans' Manual of Traffic Controls for Construction and Maintenance Work Zones where needed to maintain safe driving conditions. Use flaggers and/or signage to safely direct traffic through construction work zones.
- For roadways requiring lane closures that would result in a single open lane, maintain alternate one-way traffic flow and utilize flagger-controls.
- Coordinate with facility owners or administrators of sensitive land uses such as police and fire stations, hospitals, and schools. Provide advance notification to the facility owner or operator of the timing, location, and duration of construction activities.

TRAN-2 The County shall require that all disturbances to public roadways be repaired in a manner that complies with the Standard Specifications for Public Works Construction (green book) or other applicable County of San Bernardino standard design requirements.

### **Tribal Cultural Resources**

TCR-1 Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

- A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- B. A copy of the executed monitoring agreement shall be submitted to the Lead Agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.

- D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for The project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to The project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.
- E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the including for educational, cultural and/or historic purposes.

TCR-2 Unanticipated Discovery of Human Remains and Associated Funerary Objects

- A. 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 Public Resources Code Section 5097.98, are also to be treated according to this statute.
- B. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain 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 they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.
- C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- D. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)
- E. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. 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 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.
- F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

TCR-3: Procedures for Burials and Funerary Remains:

- A. As the Most Likely Descendant (MLD), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term “human remains” encompasses more than human bones. In ancient times, 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.



- B. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.
- C. 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. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.
- D. 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.
- E. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, 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.
- F. 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.
- G. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall 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.

#### **Utilities and Service Systems**

- UTL-1 If recycled water becomes available at the project site, the Applicant shall connect to this system and utilize recycled water for landscape irrigation, and any other feasible uses of recycled water on the project site.

#### **Wildfire**

- WF-1 During site clearing within the project site when any electrical construction equipment is in use, the construction crew shall have fire prevention equipment (such as fire extinguishers, emergency sand bags, etc.) to put out any accidental fires that could occur from the use of electrical construction/maintenance equipment.

## **PROJECT-SPECIFIC REFERENCES**

- California Air Resources Board, *Almanac of Air Quality*. 2013
- California Air Resources Board, *Ambient Air Quality Standards*. May 4, 2016
- California Air Resources Board, *Health Effects of Major Criteria Pollutants*. 2002
- California Building Code (CBC) 2019.
- California Environmental Quality Act (CEQA) Guidelines (Title 14, Division 6, Chapter 3 of the California Code of Regulations)
- California Department of Fish and Wildlife, *California Fish and Game Code*.
- CRM TECH, “*Historical/Archaeological Resources Survey Report: Assessor’s Parcel Numbers 0262-021-09 and -13, near the City of San Bernardino, San Bernardino County, California*.” November 3, 2021
- Giroux & Associates, “*Air Quality and GHG Impact Analyses, Route 66 Truck Parking and Cargo Terminal Project, County Of San Bernardino, California*,” November 8, 2023.
- Giroux & Associates, “*Noise Impact Analyses, Route 66 Truck Parking & Cargo Terminal Project, County of San Bernardino, California*.” November 7, 2023.
- Jacobs Engineering Group, Inc., “*Biological Resource Assessment for Cajon Truck Parking Facility*.” October 2021.
- LOR Geotechnical Group, “*Preliminary Geotechnical and Infiltration Feasibility Investigation Proposed Industrial Project APN’s 026-202-109 and -113 San Bernardino County, California*.” May 17, 2021
- San Bernardino County, “*Regional Greenhouse Gas Reduction Plan*.” 2021
- San Bernardino County, *San Bernardino County Development Code*
- San Bernardino County, “*San Bernardino Countywide Plan*.” 2019
- San Bernardino County, “*San Bernardino Countywide Plan Environmental Impact Report*.” 2019
- San Bernardino Valley Municipal Water District, “*San Bernardino Valley Regional Urban Water Management Plan (UWMP)*.” 2020
- South Coast Air Quality Management District, “*SCAQMD CEQA Air Quality Handbook*.” November, 1993 Rev.
- United States Department of Agriculture, *Web Soil Survey*. Accessed 2021.
- Urban Crossroads, “*Route 66 Truck Parking and Cargo Terminal (PROJ-2021-00066) Scoping Agreement (Revised)*” prepared by Urban Crossroads,” October 23, 2023.
- Urban Crossroads, “*Route 66 Truck Parking and Cargo Terminal (PROJ-2021-00066) Vehicle Miles Travelled (VMT) Screening Evaluation*” prepared by Urban Crossroads, dated October 23, 2023.

**Links:**

[www.arb.ca.gov/adam/](http://www.arb.ca.gov/adam/)  
<https://www2.calrecycle.ca.gov/SolidWaste/Site/Search>  
<http://countywideplan.com/theplan/>  
<https://geotracker.waterboards.ca.gov/>  
<https://www.gosbcta.com/wp-content/uploads/2019/10/2016-Congestion-Management-Plan-.pdf>  
<https://reducewaste.sccgov.org/food-recovery/understand-senate-bill-sb-1383#3925188384-318395615>  
[https://soilseries.sc.egov.usda.gov/OSD\\_Docs/S/SOBOBA.html](https://soilseries.sc.egov.usda.gov/OSD_Docs/S/SOBOBA.html)  
[https://soilseries.sc.egov.usda.gov/OSD\\_Docs/T/TUJUNGA.html](https://soilseries.sc.egov.usda.gov/OSD_Docs/T/TUJUNGA.html)  
<https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management>  
<https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

## **FIGURES**



**FIGURE 1**



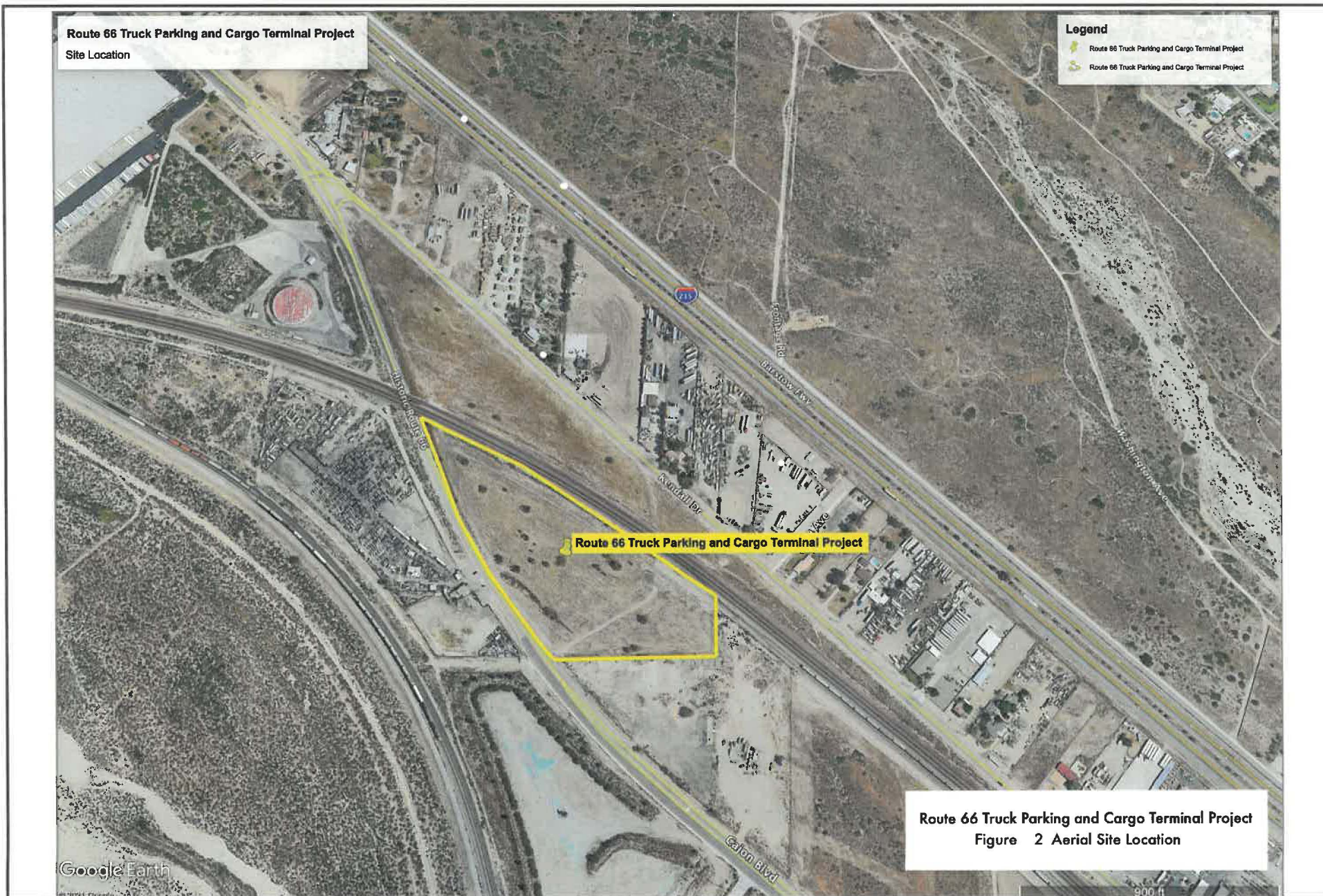
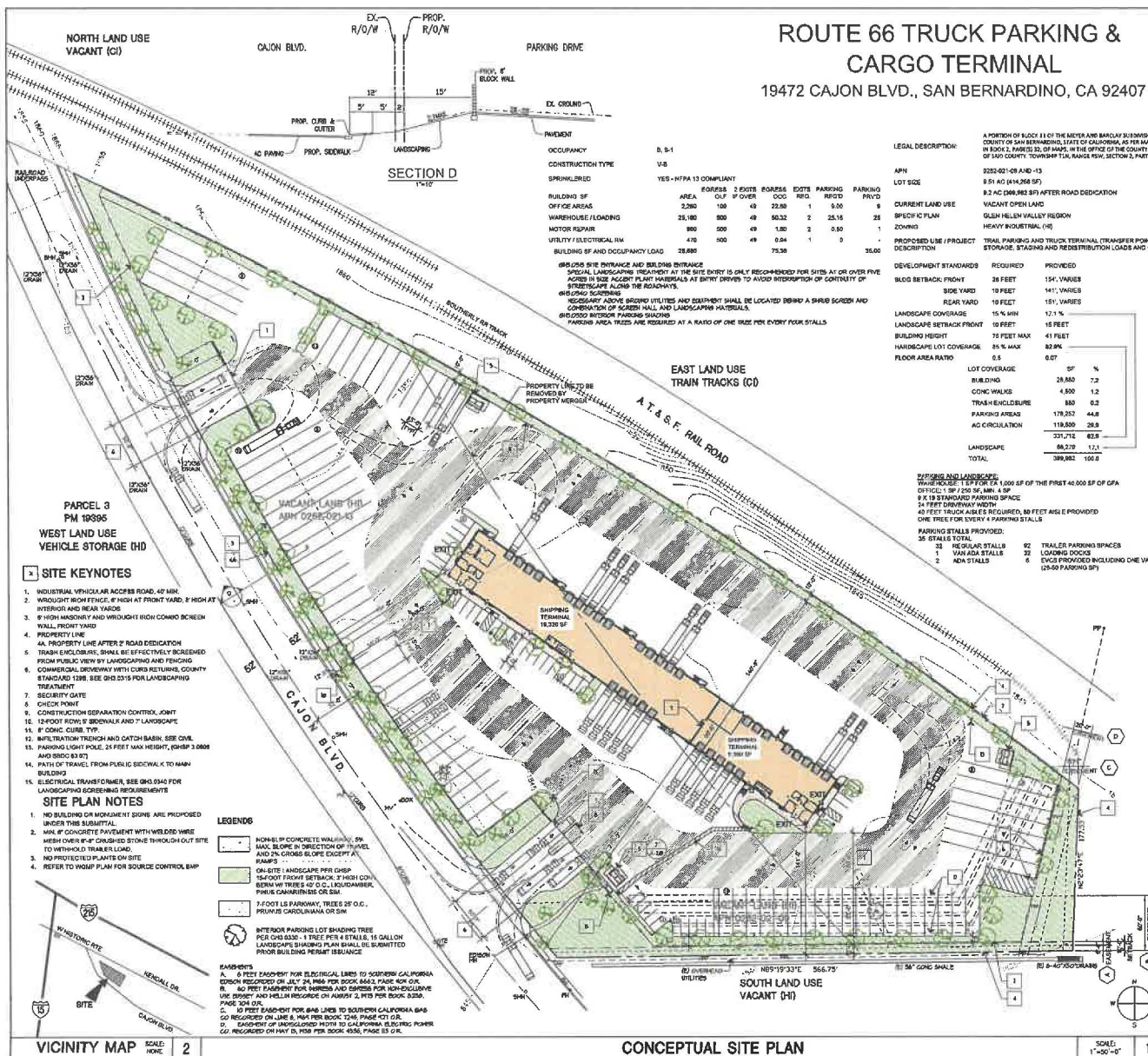


FIGURE 2





OFFICIAL USE ONLY



**ROUTE 66 TRUCK PARKING & CARGO TERMINAL**  
19472 CAJON BLVD.  
SAN BERNARDINO, CA 92407

CONCEPTUAL  
SITE PLAN

APN 0202-021-09  
APN 0202-021-13

REVISION:

01/20/22  
LAND USE COMMENTS  
01/20/22  
LAND USE COMMENTS  
01/20/22  
LAND USE COMMENTS

DATE: JULY 26, 2021

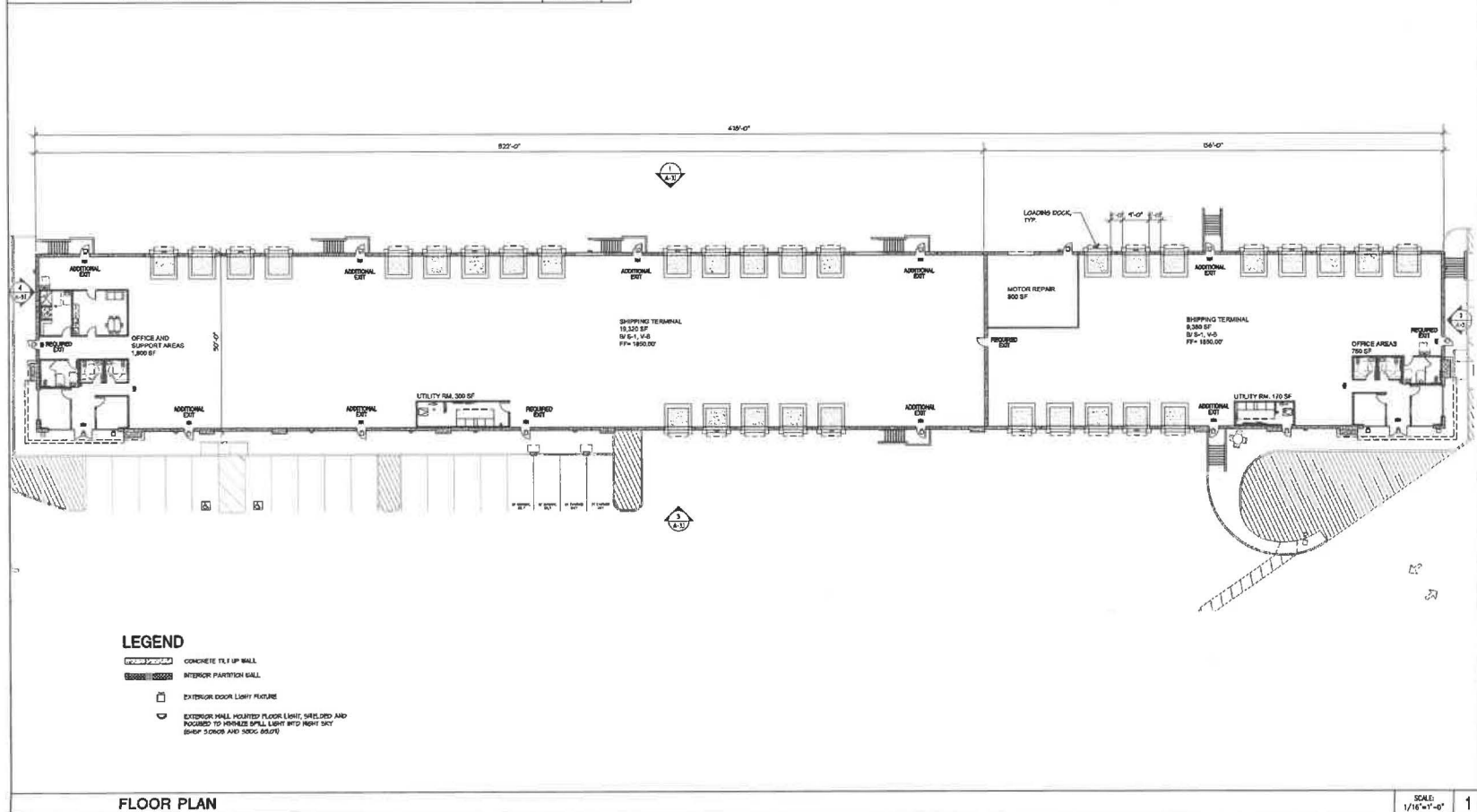
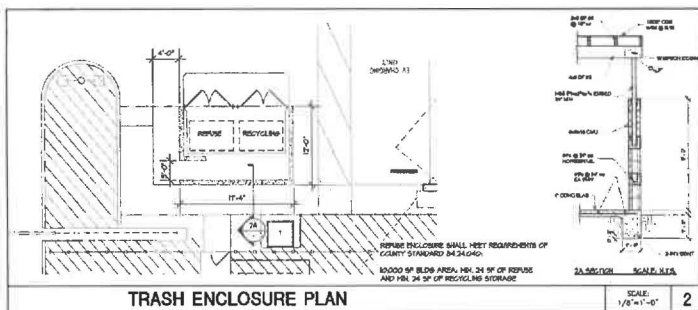
JOB NO.: 21002

SHEET:

**A-1.0**  
OF 1 SHEETS

FIGURE 3

Site Plan



**M**

MM ARCHITECT SERVICES, INC.  
planning • design • architecture  
23195 Fox Road  
Torrance, CA 90509  
Tel. 848-291-5977

**ROUTE 66 TRUCK PARKING & CARGO TERMINAL**  
19472 CAJON BLVD.  
SAN BERNARDINO, CA 92407

**FLOOR PLAN**

APN 0282-021-08  
APN 0282-021-13

REVISION:

ON 2020  
GUY'S REVISIONS

DATE JULY 26, 2021

JOB NO. 21020  
SHEET:

**A-2.0**  
OF 2 SHEETS

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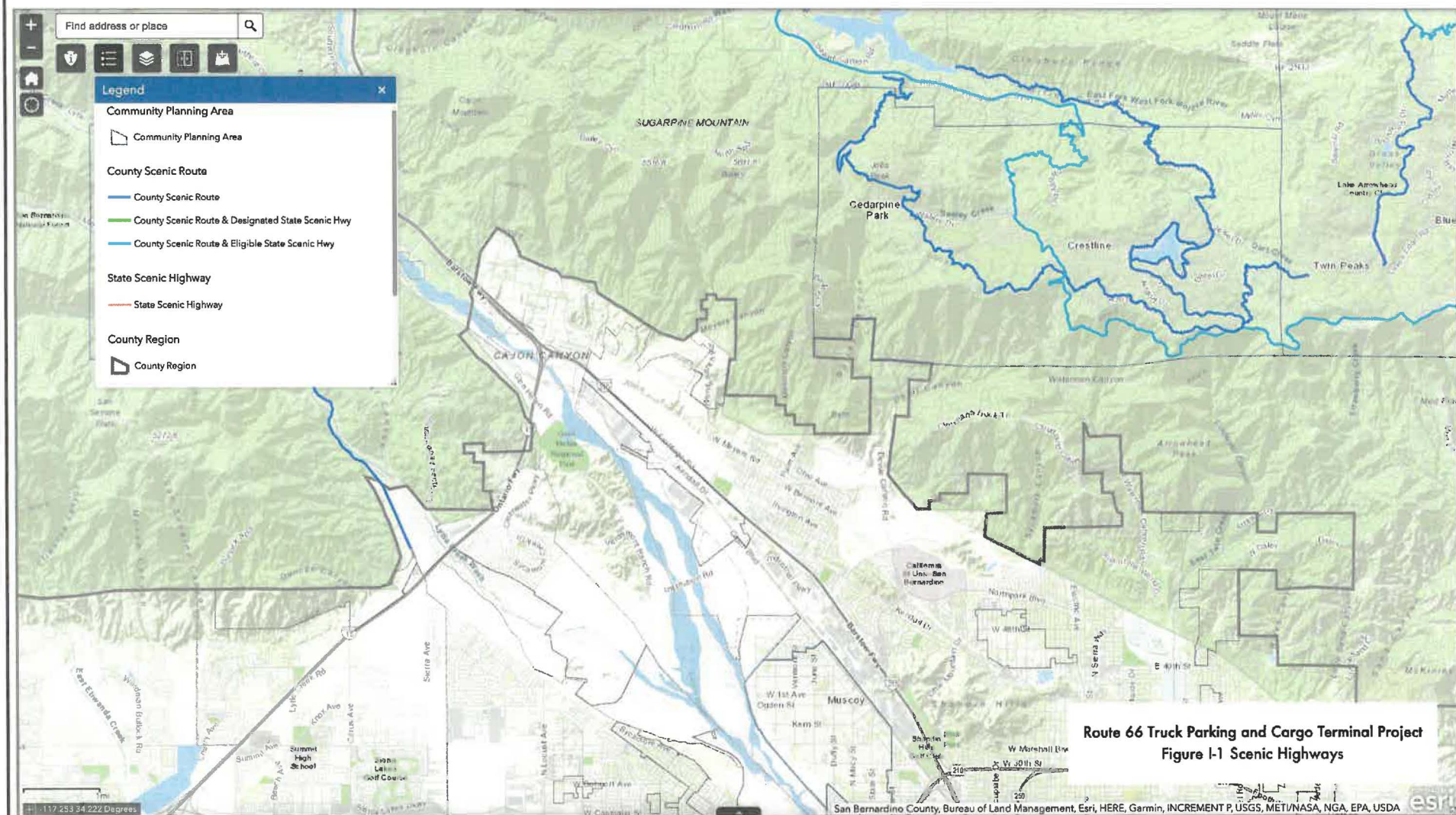
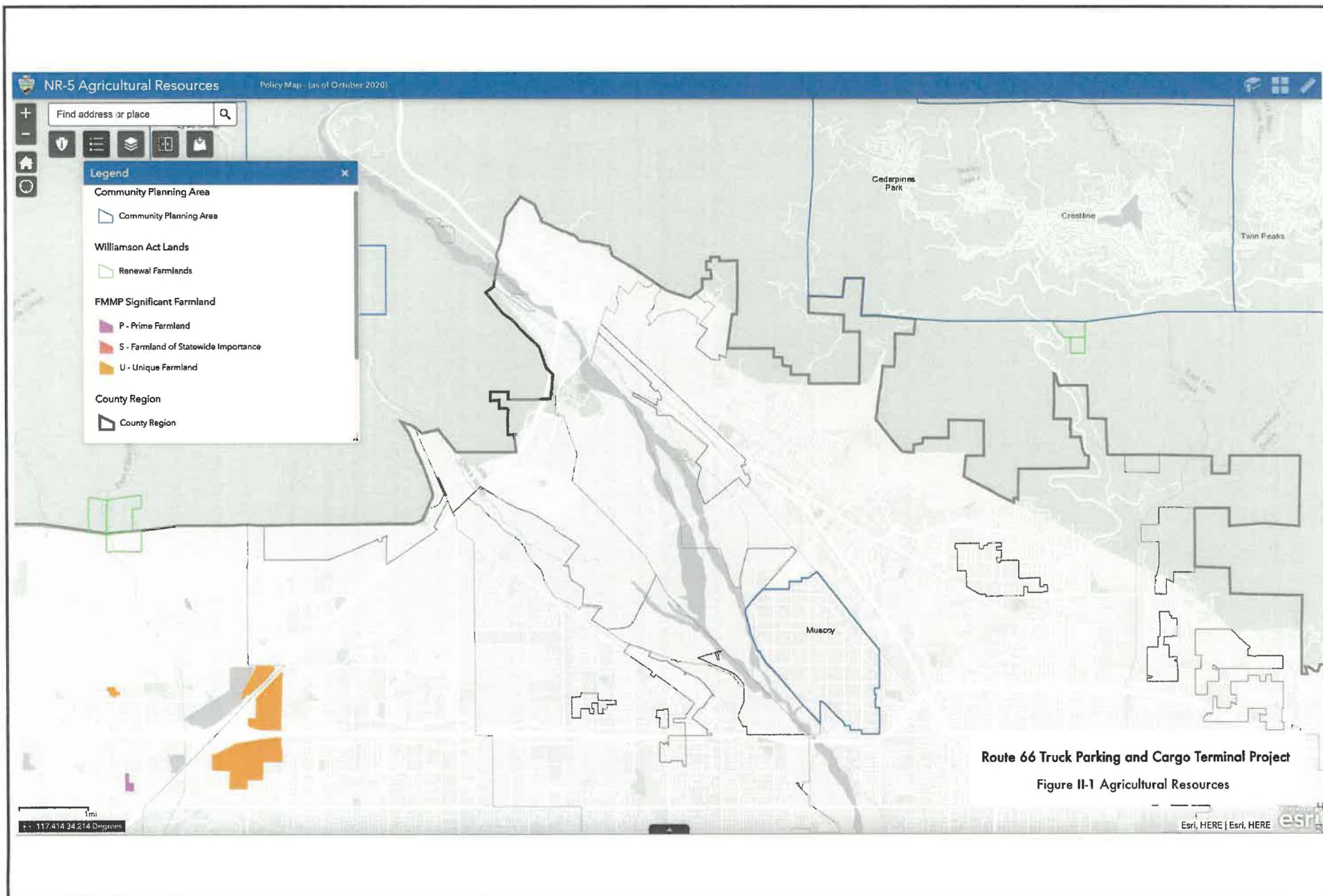
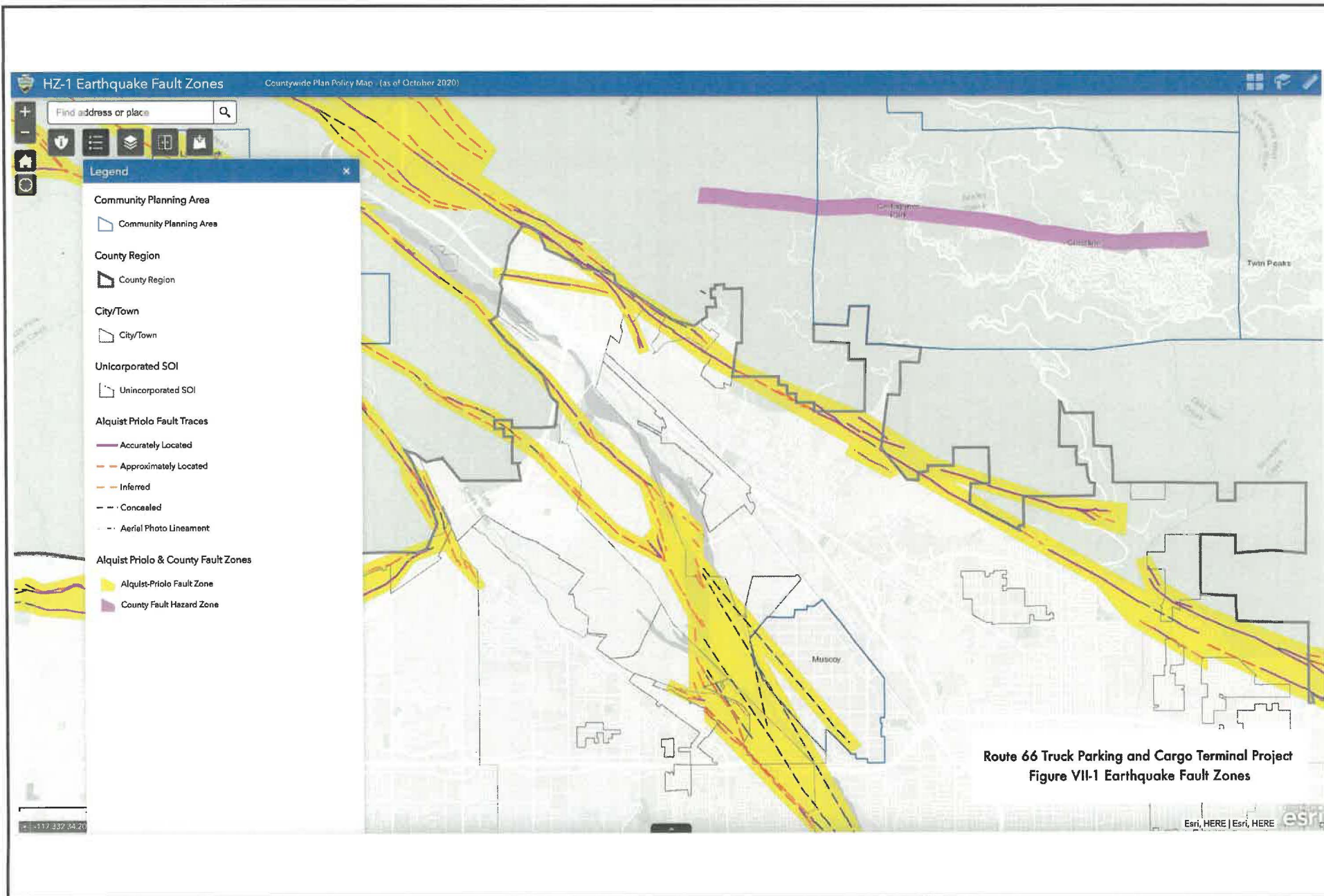


FIGURE I-1



**FIGURE II-1**





**FIGURE VII-1**

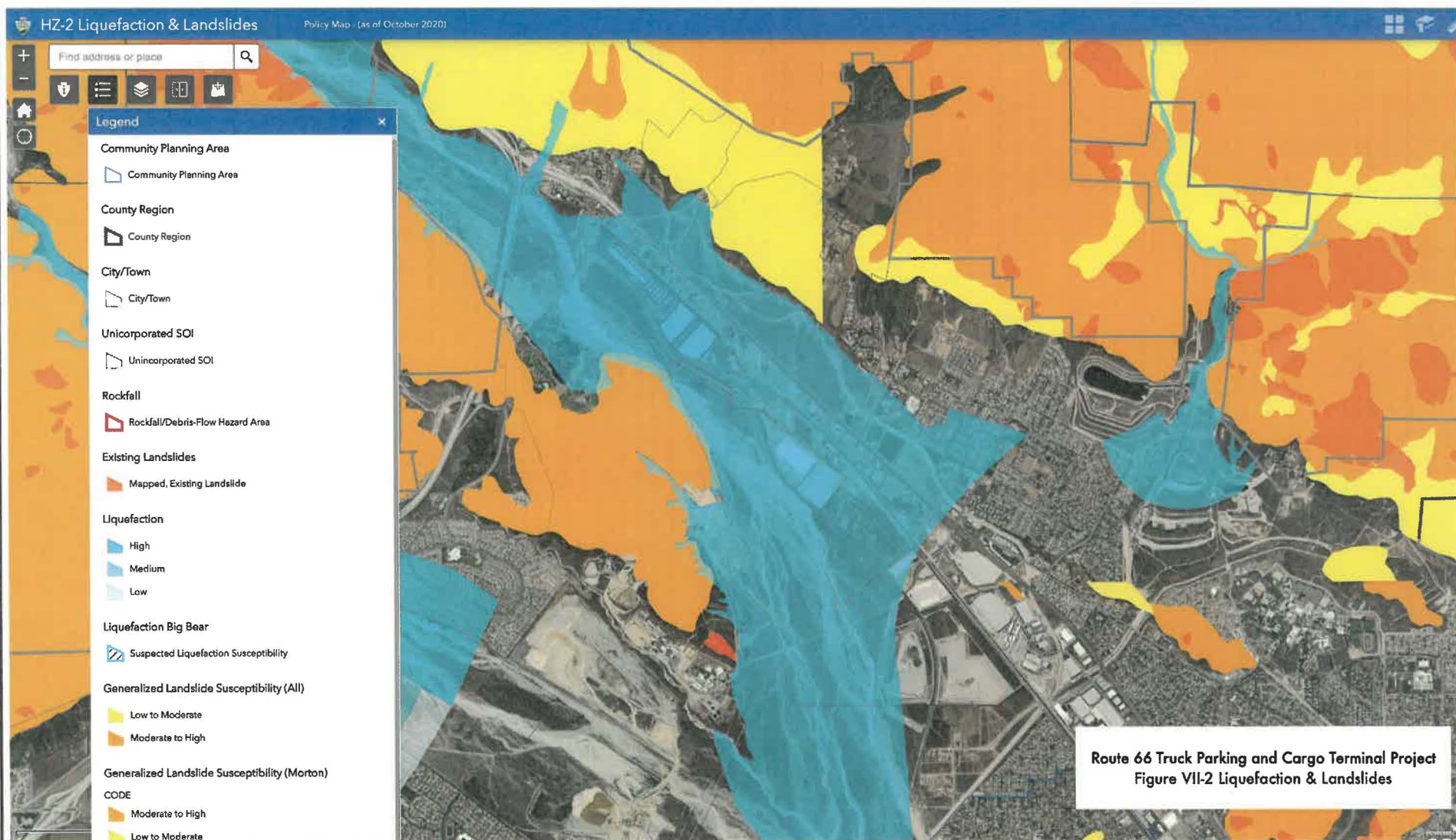


FIGURE VII-2



Figure 5.6-4 Land Subsidence Potential

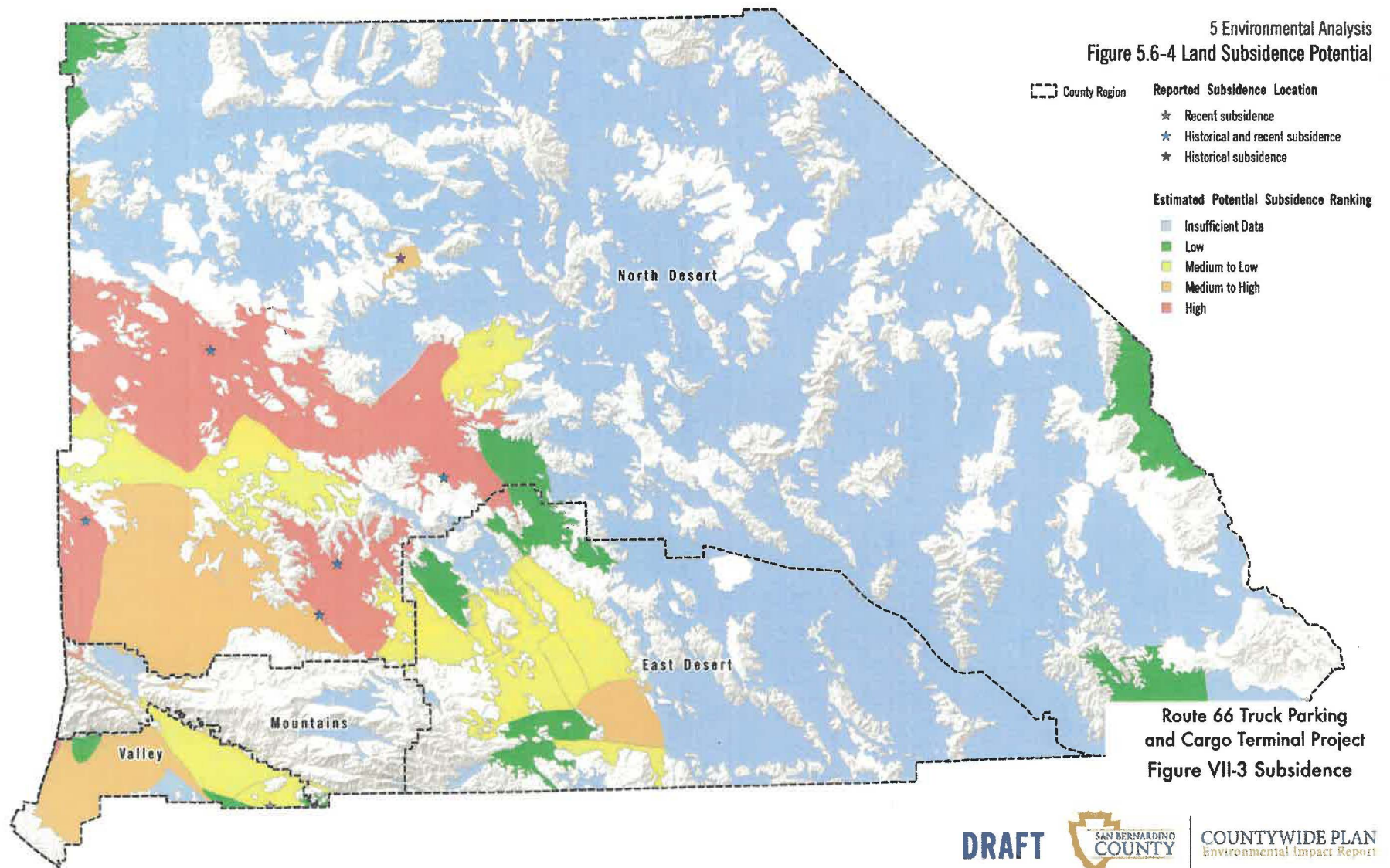


FIGURE VII-3



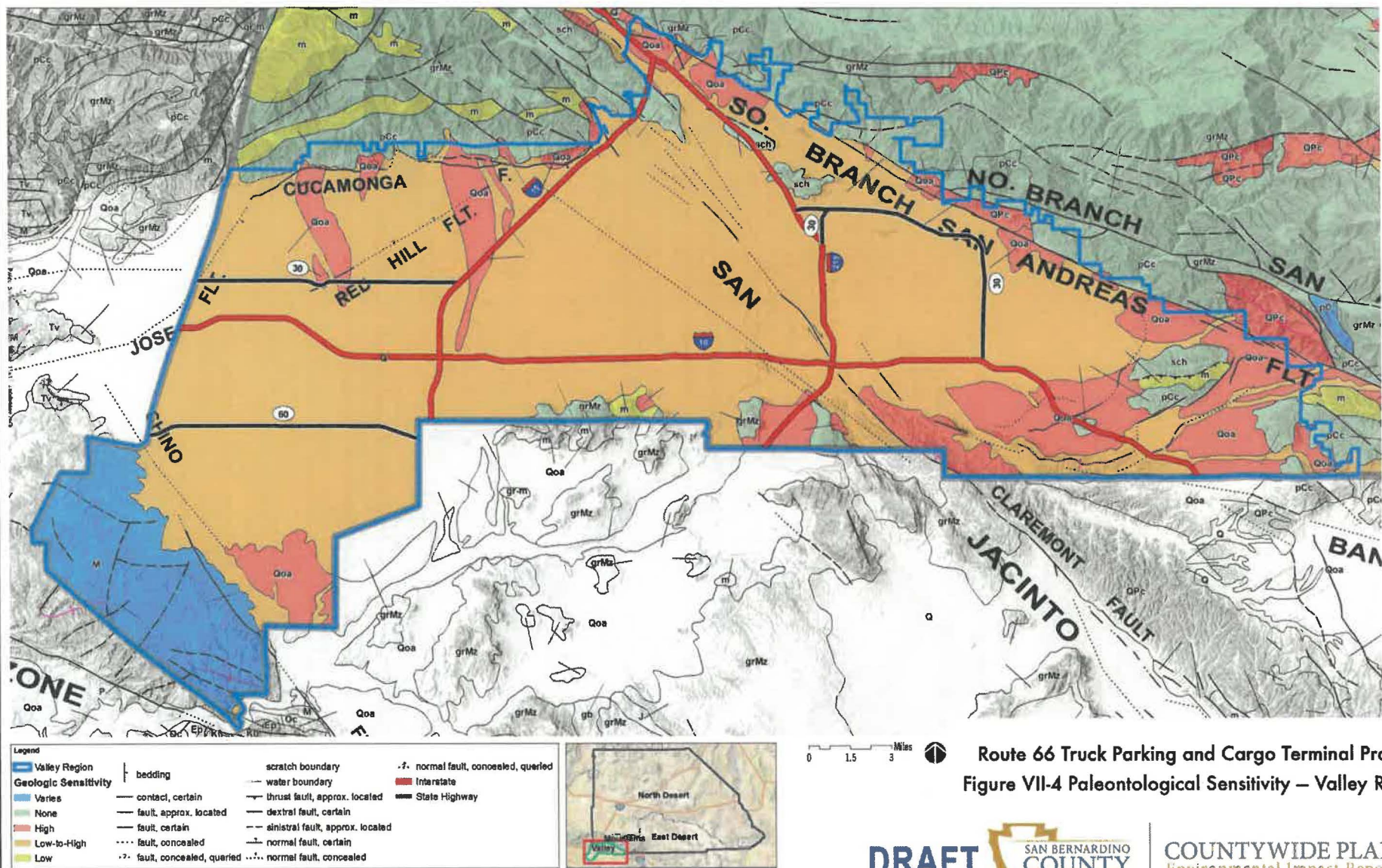


FIGURE VII-4



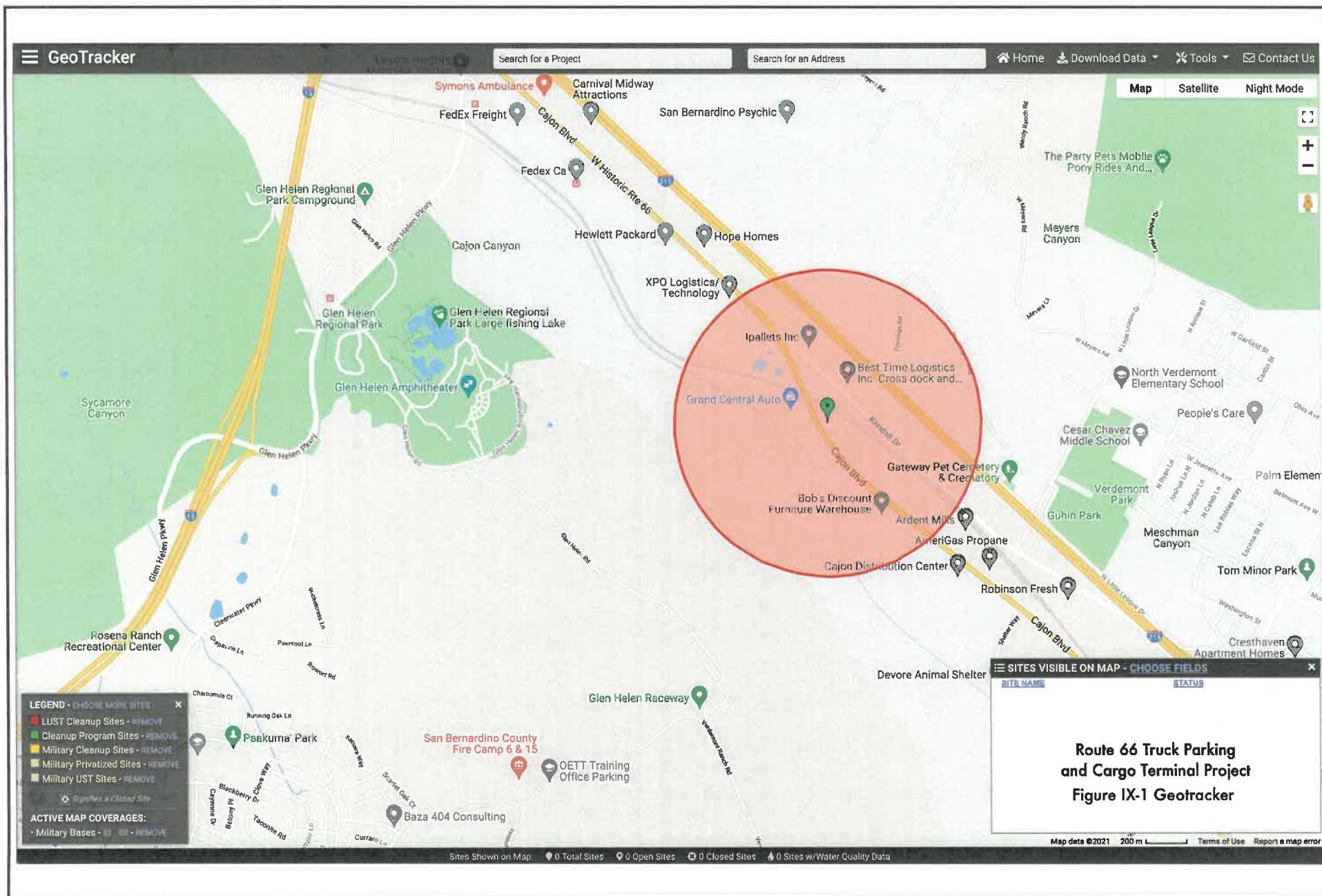


FIGURE IX-1



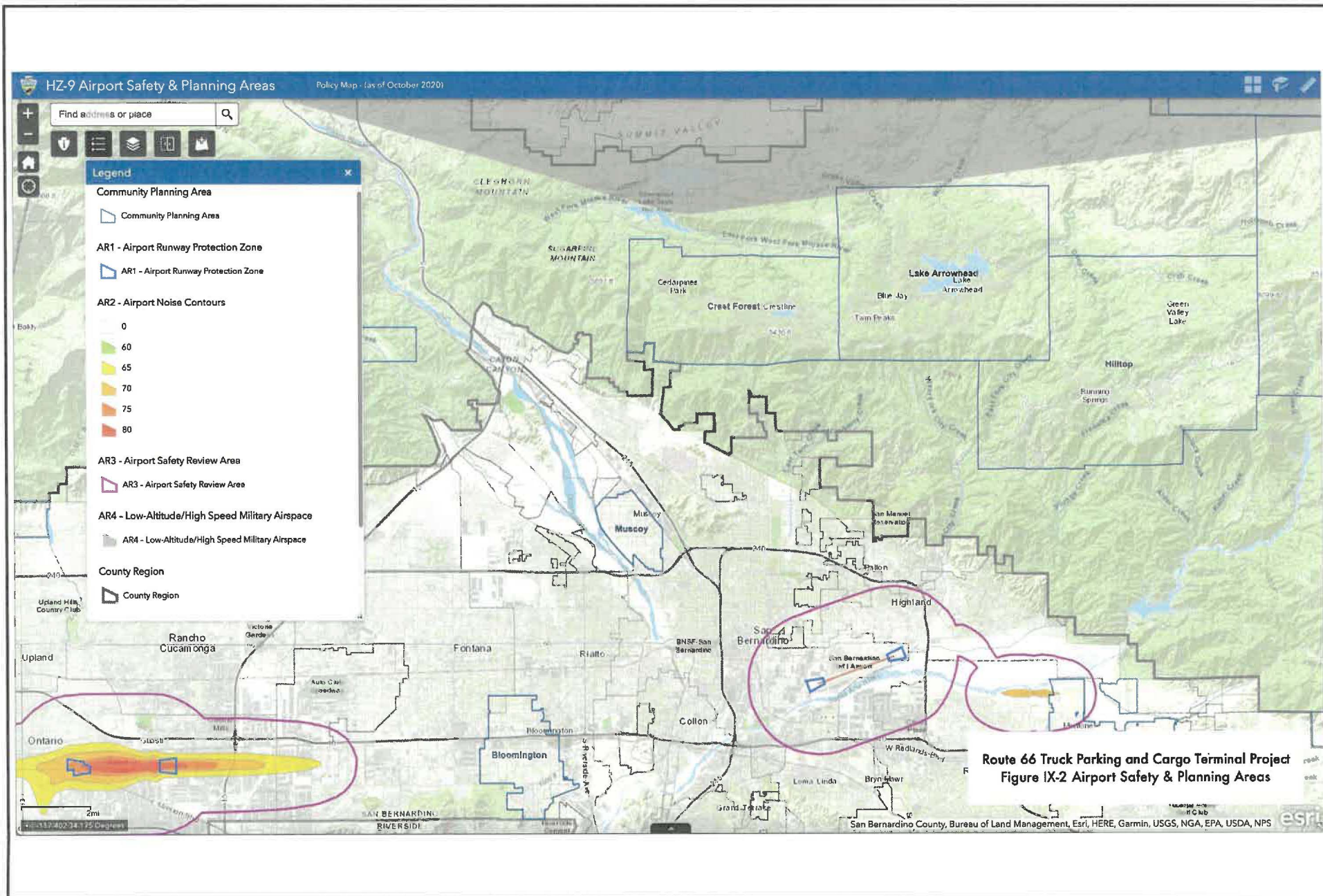


FIGURE IX-2







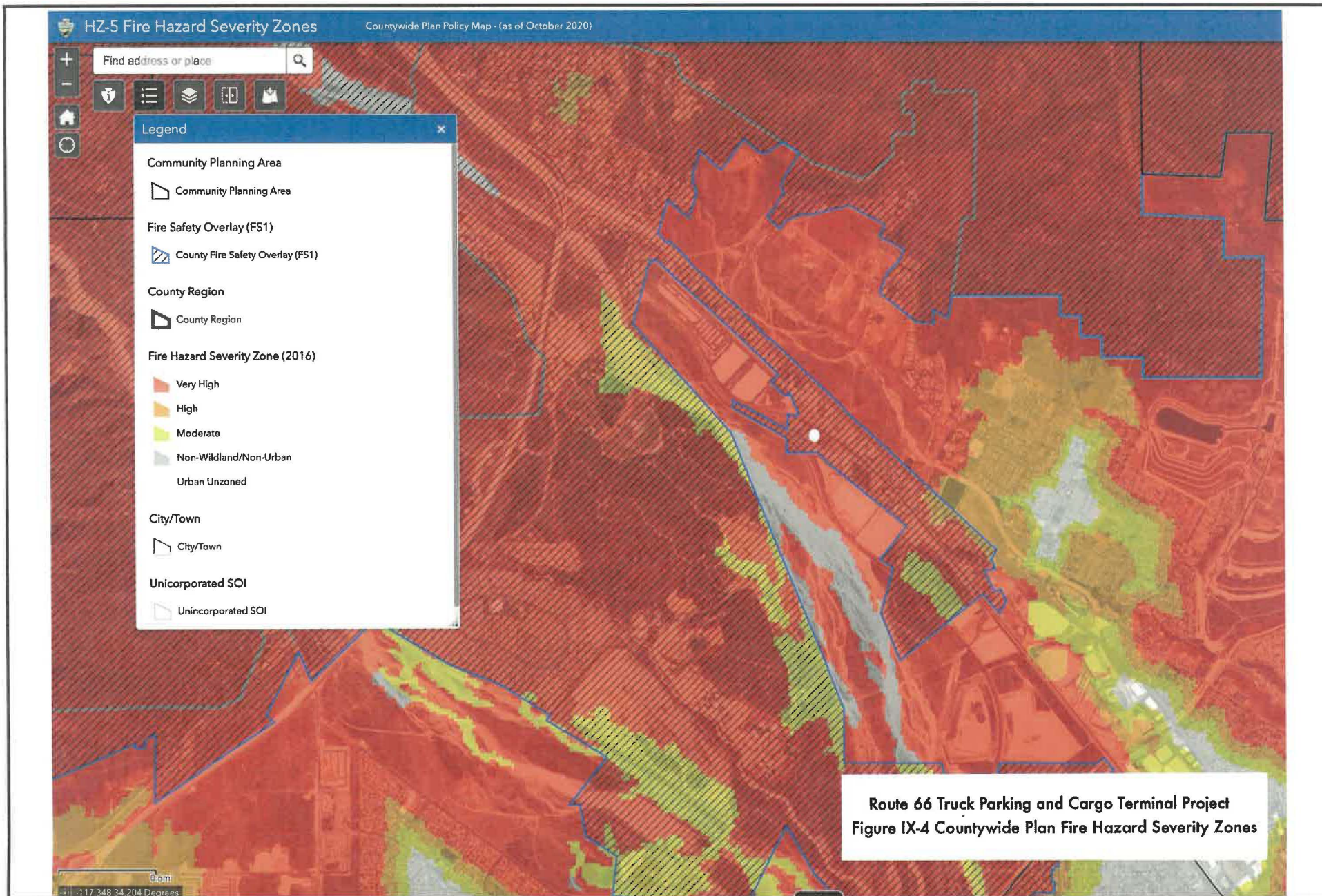
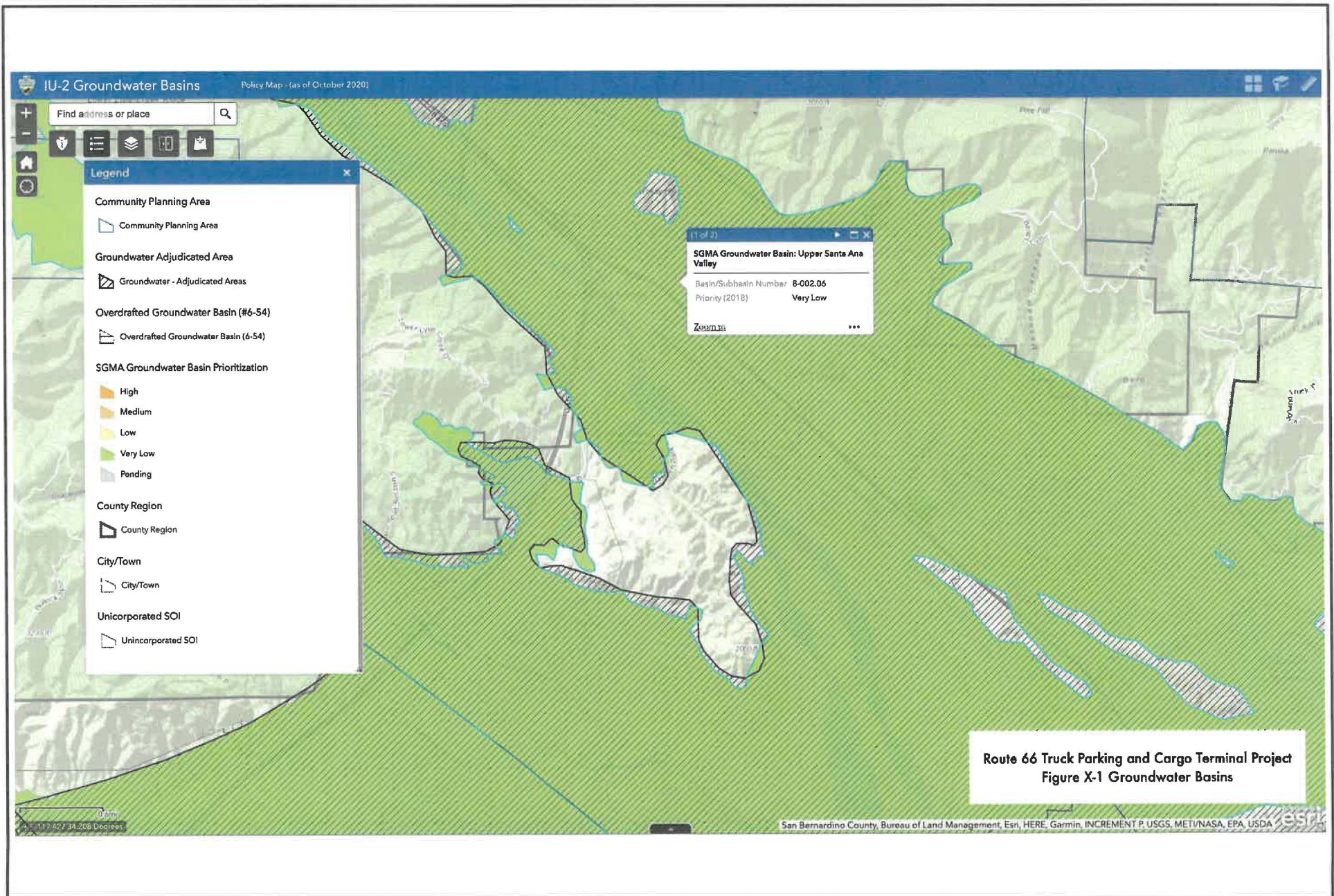


FIGURE IX-4





**FIGURE X-1**





**FIGURE X-2**





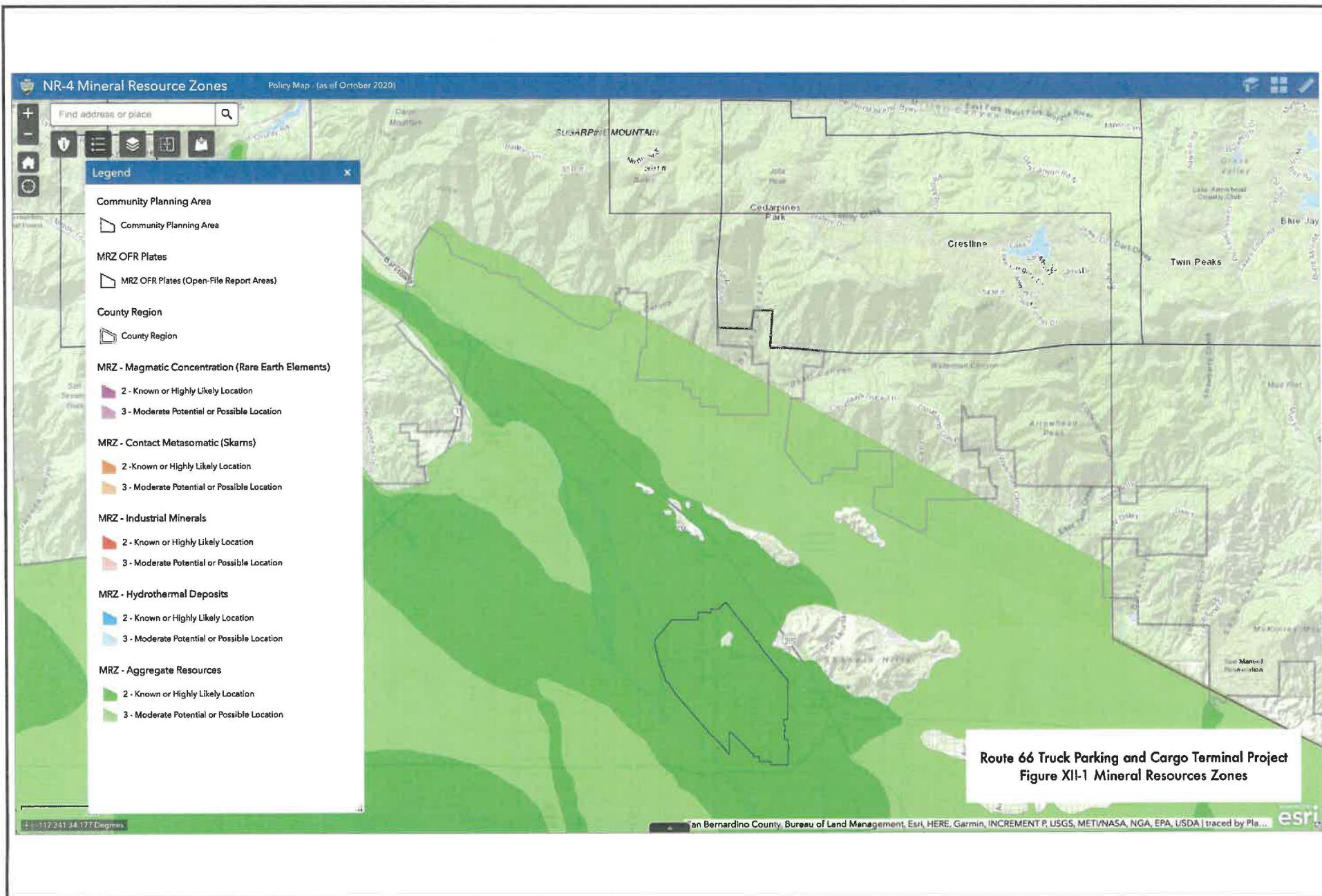


FIGURE XII-1

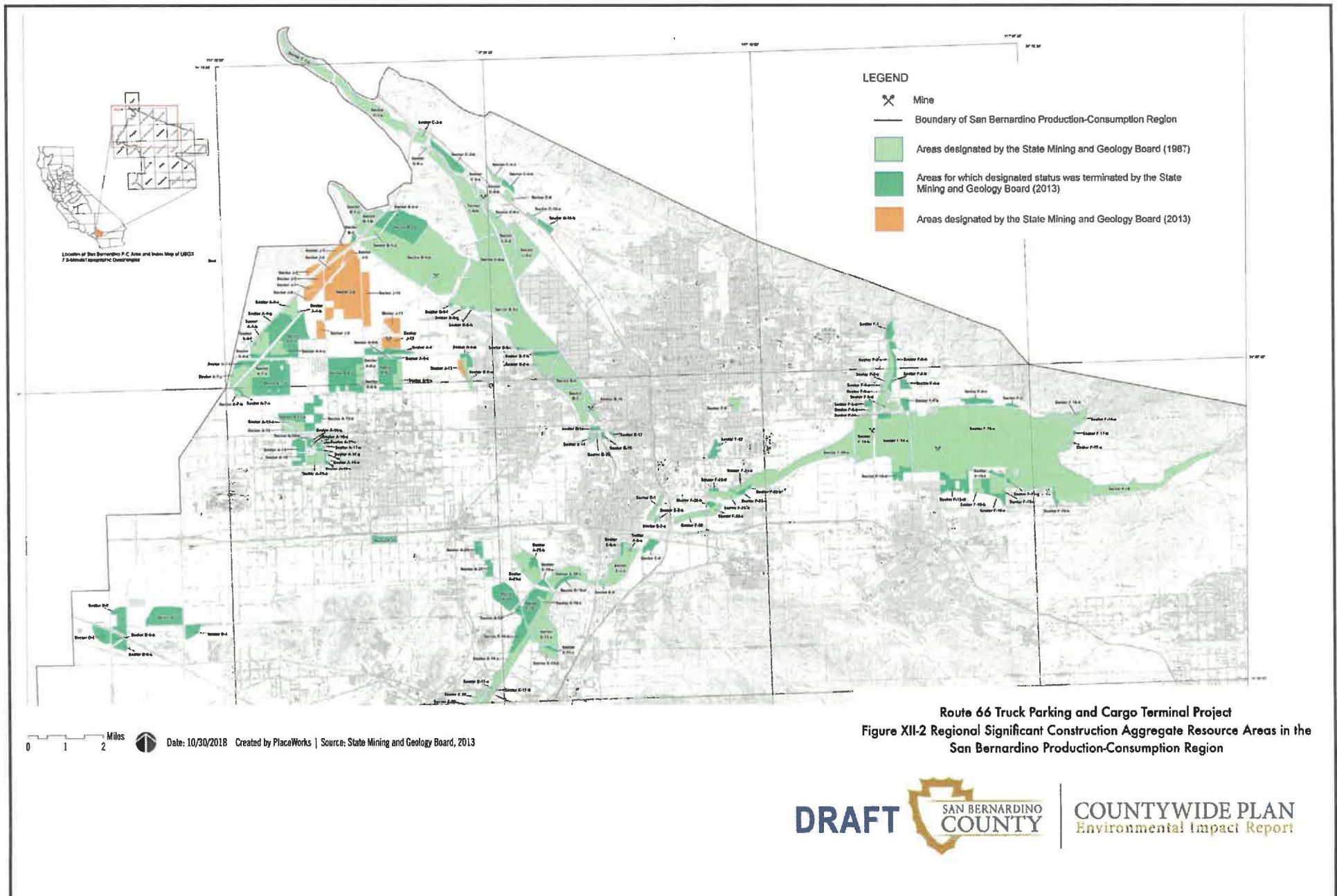


FIGURE XII-2



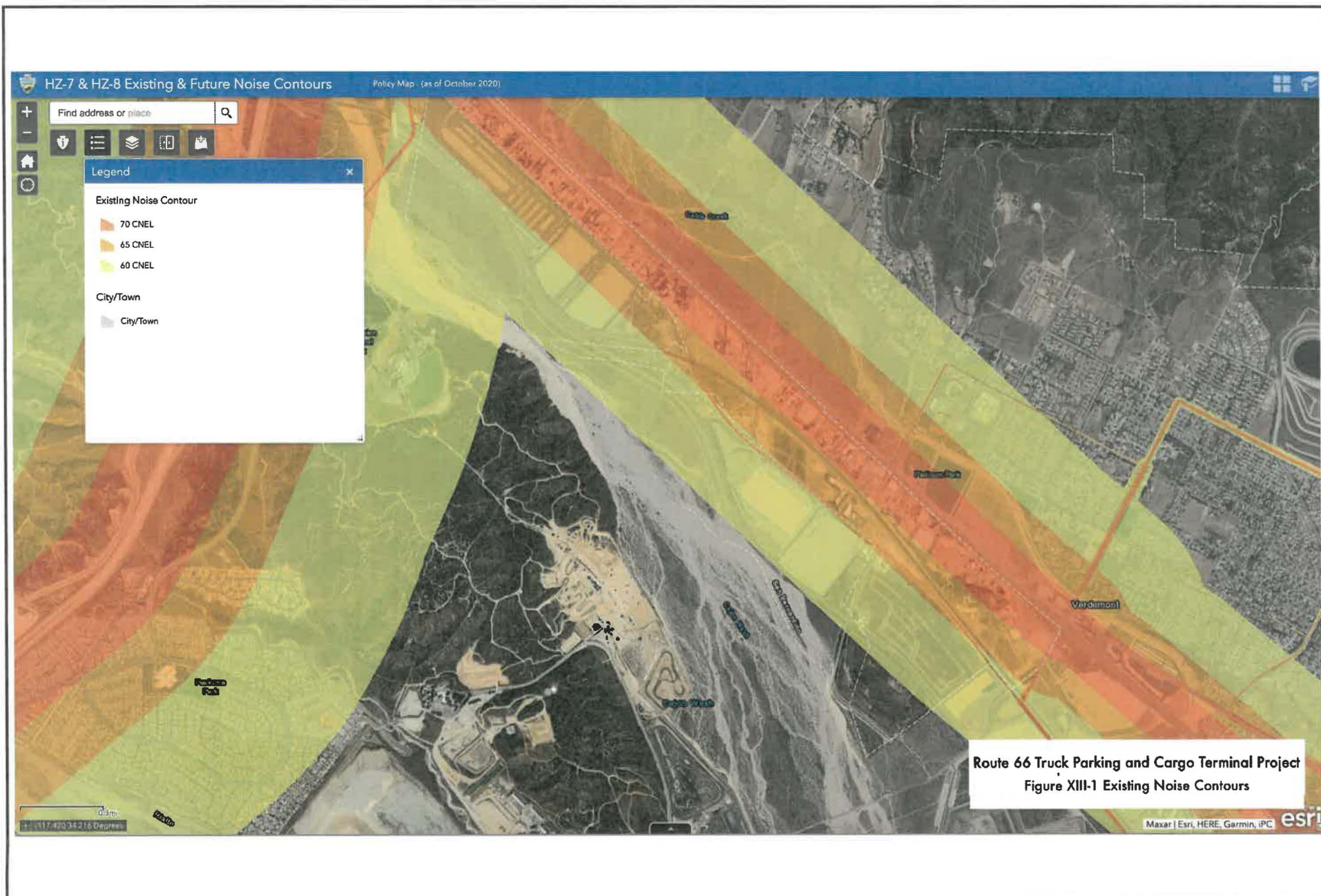


FIGURE XIII-1



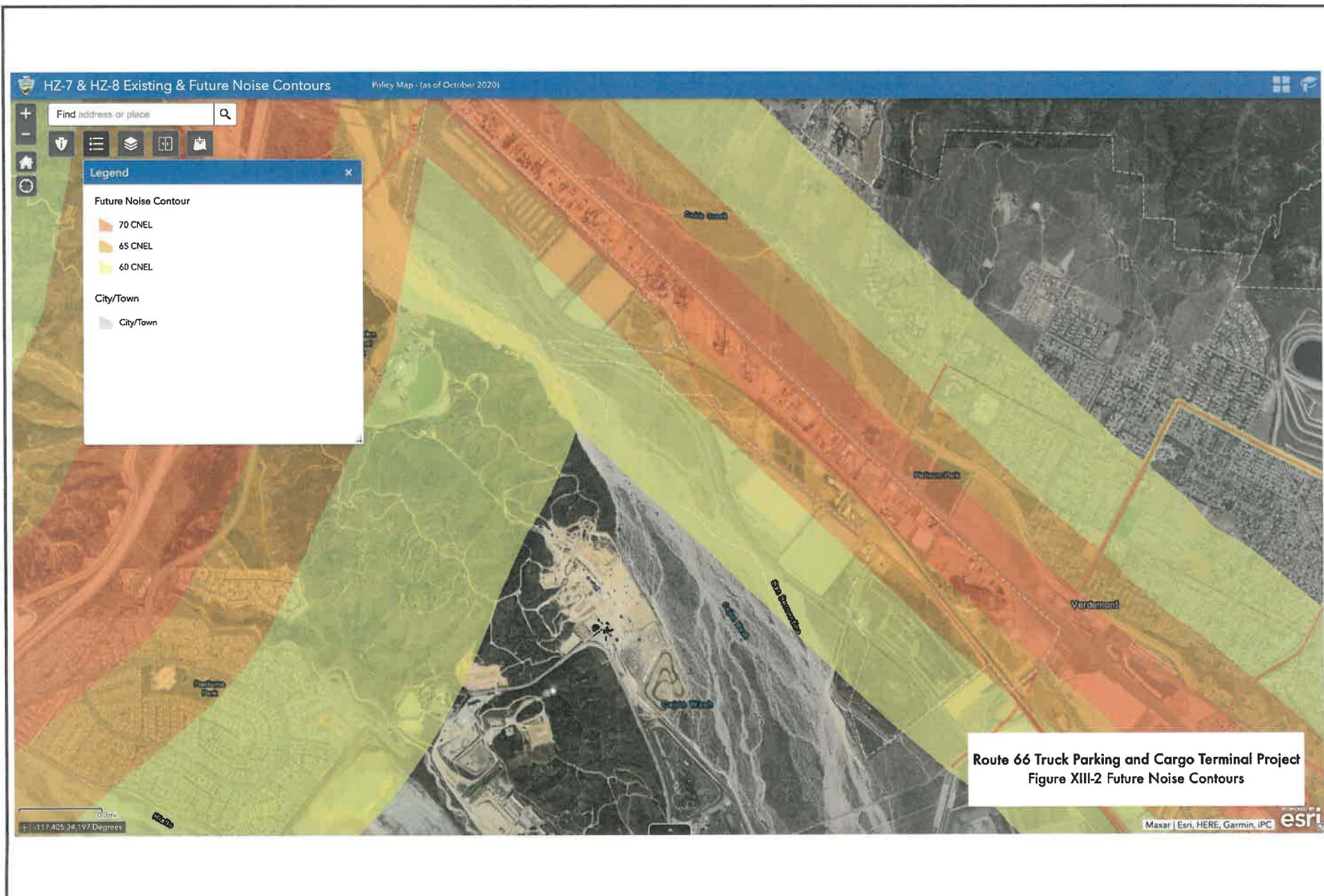


FIGURE XIII-2

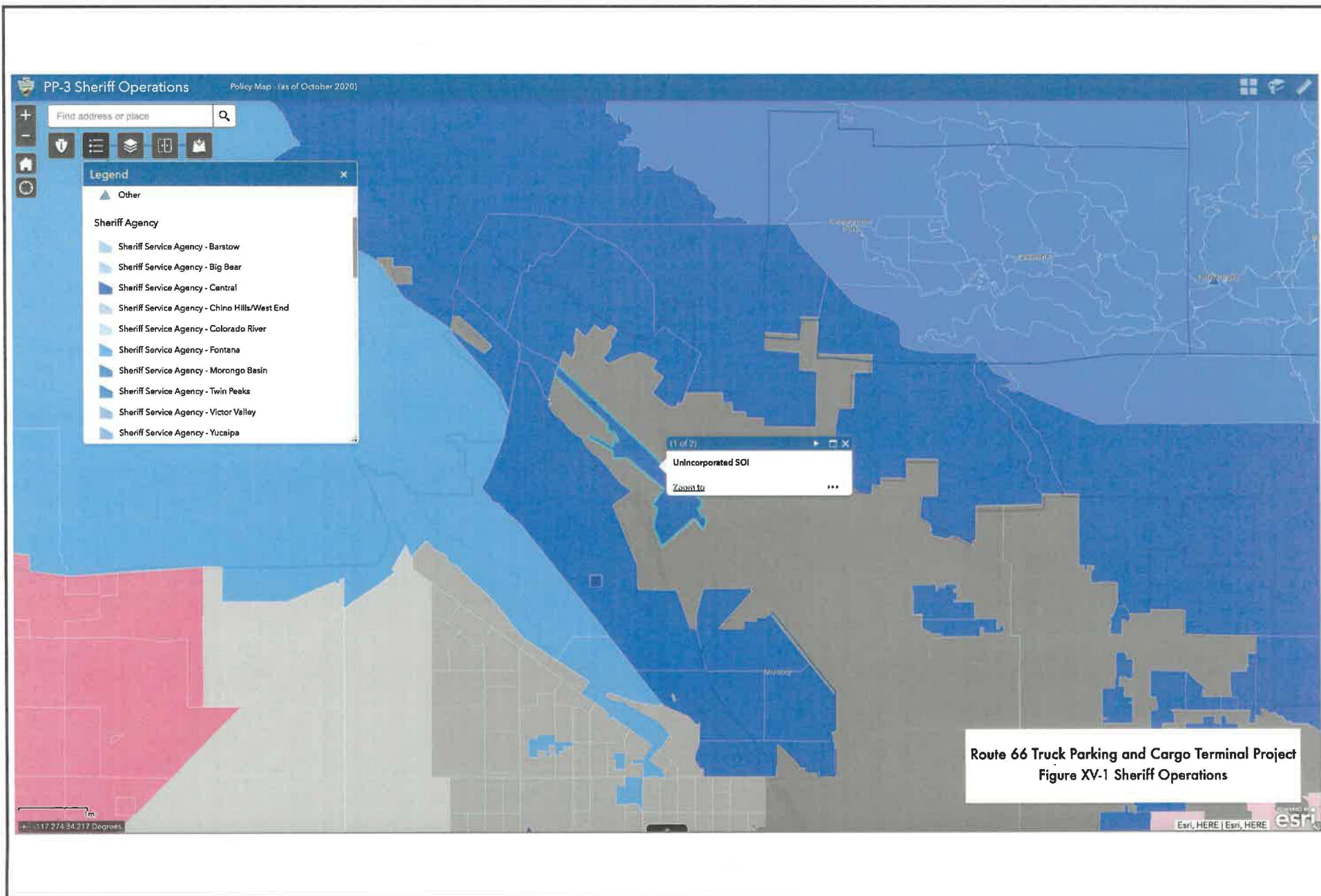
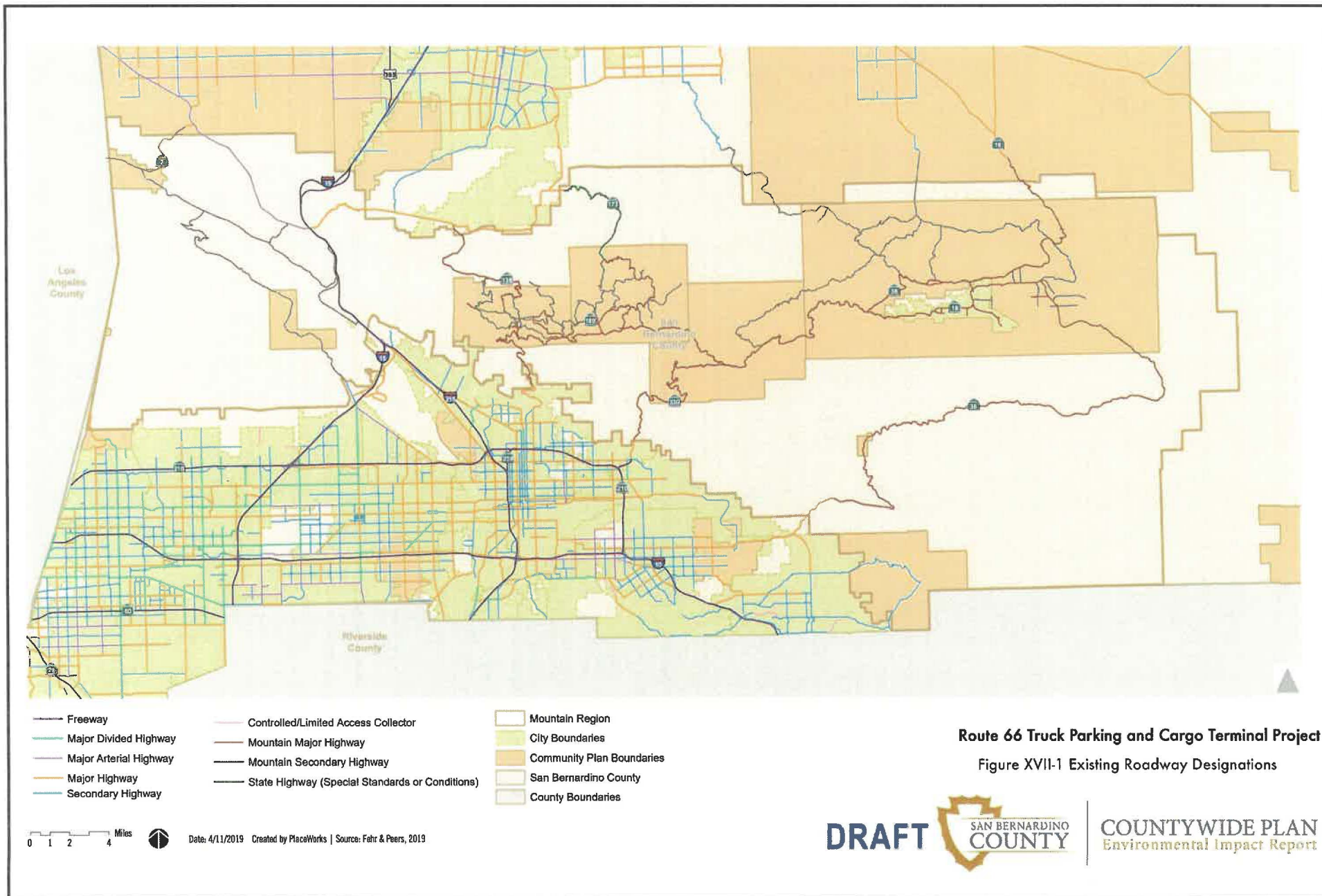


FIGURE XV-1





FIGURE XV-2



**FIGURE XVII-1**



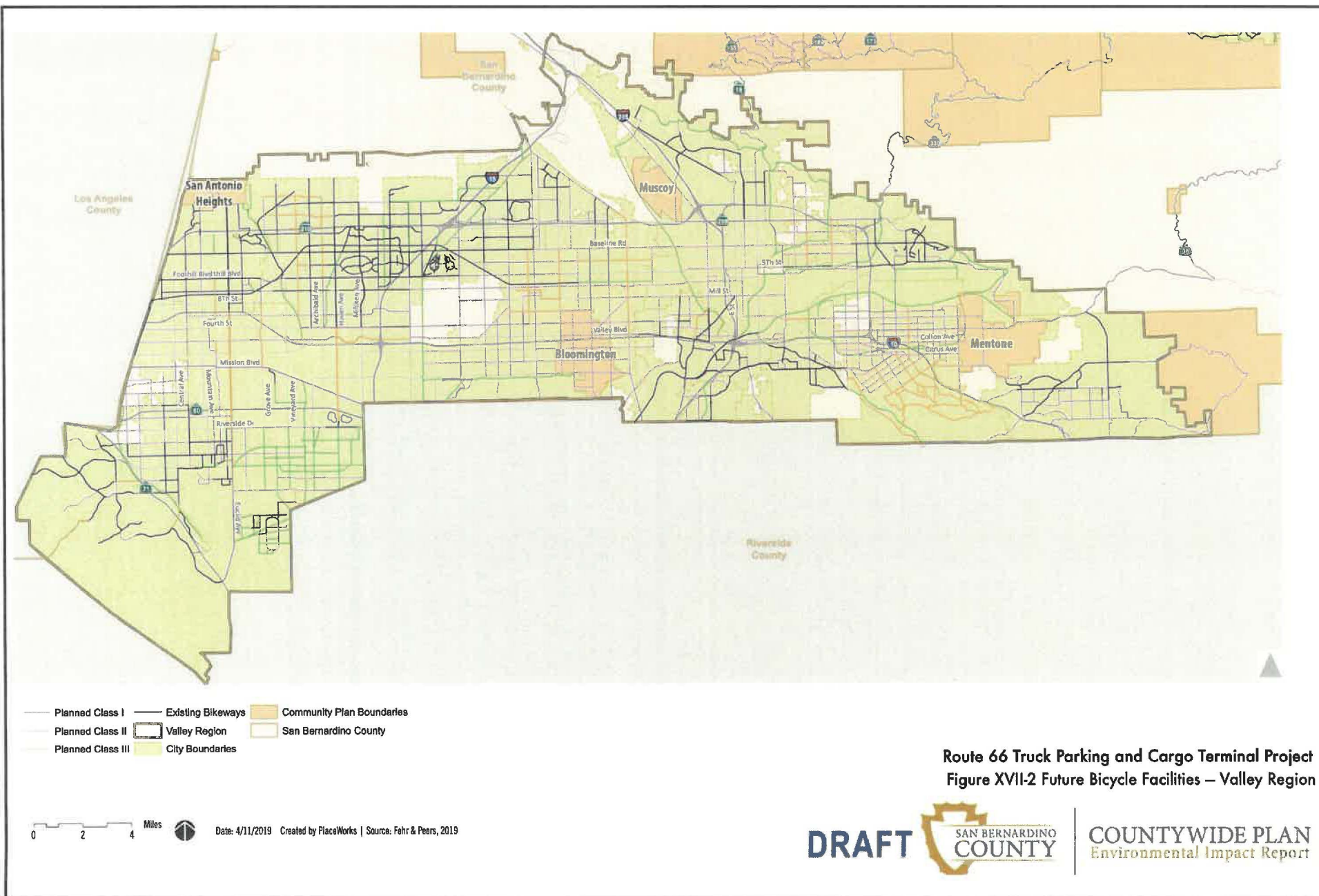


FIGURE XVII-2



## **APPENDIX 1**

### **AIR QUALITY AND GREENHOUSE GAS IMPACT ANALYSIS**



**APPENDIX 2**  
**BIOLOGICAL RESOURCES ASSESSMENT**

### **APPENDIX 3**

## **HISTORICAL / ARCHAEOLOGICAL RESOURCES SURVEY REPORT**

**APPENDIX 4a**  
**GEOTECHNICAL INVESTIGATION**

**APPENDIX 4b**

**USDA SOILS REPORT**

## **APPENDIX 5**

### **NOISE IMPACT ANALYSIS**

**APPENDIX 6a**

**TRIP GENERATION ASSESSMENT**

**APPENDIX 6b**

**VEHICLE MILES TRAVELED ANALYSIS**



# **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#523**

**HEARING DATE: MAY 15, 2024**

## **RESOLUTION NO. 3402**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#523 – CITY OF SAN BERNARDINO IRREVOCABLE AGREEMENT TO ANNEX NO. 2022-368 FOR SEWER SERVICE (APNS 0262-021-09 & 0267-021-13)**

**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 15, 2024 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. 3402

### **DETERMINATIONS:**

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

1. The project area, Assessor Parcel Numbers 0262-021-09 and 0267-021-13, is within the sphere of influence assigned to the City of San Bernardino and is anticipated to become a part of that City sometime in the future. The project requires connection to the City's water and sewer facilities. For water service, the Commission has previously confirmed that the provision of water service within the area previously served by the San Bernardino Water Utilities Corporation—which include said parcels—is exempt from LAFCO review. Therefore, the application requests authorization to receive City of San Bernardino sewer service only.

The requirement to receive water and sewer service from the City of San Bernardino are conditions 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 sewer service is necessary to satisfy the condition of approval for the project.

2. The City of San Bernardino's Irrevocable Agreement to Annex No. 2022-368 being considered is for the provision of sewer service to the project area, Assessor Parcel Numbers 0262-021-09 and 0267-021-13. 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 San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of San Bernardino for the extension of sewer service to the parcel are identified as totaling \$8,849.85. Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owner/developer shall bear all costs to complete improvements needed to extend the sewer service to the project.
4. Acting as the CEQA Lead Agency, the County of San Bernardino, as a function of its review for a Conditional Use Permit to construct a truck terminal with a 28,680 sq. ft. cargo terminal within the project area totaling approximately 9.2 acres, prepared an environmental assessment and adopted a Mitigated Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County's Initial Study and Mitigated Negative Declaration have been reviewed by the Commission and its staff who have found them to be adequate for the service contract decision.

The Commission certifies that it has reviewed and considered the County's Mitigated Negative Declaration and its environmental effects as outlined in the Initial Study prior to reaching a decision on the service contract and finds the information substantiating the Mitigated Negative Declaration is adequate for its use as a CEQA Responsible Agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for this project as all changes, alterations and mitigation measures are within the responsibility and jurisdiction of the County and/or others, and are self-mitigating through implementation of the Conditions of Approval.

**RESOLUTION NO. 3402**

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

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

**SECTION 3.** The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of San Bernardino to provide sewer service to the project area, Assessor Parcel Numbers 0262-021-09 and 0267-021-13.

**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#523 – City of San Bernardino Irrevocable Agreement to Annex No. 2022-368 for Sewer Service (APNs 0262-021-09 & 0267-021-13), 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 15, 2024.**


**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

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**DATE:** MAY 8, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
ARTURO PASTOR, Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #14: LAFCO SC#524 - City of San Bernardino Irrevocable Agreement to Annex No. 2024-375 for Sewer Service (APN 0265-221-23)

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## **INITIATED BY:**

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

## **RECOMMENDATION:**

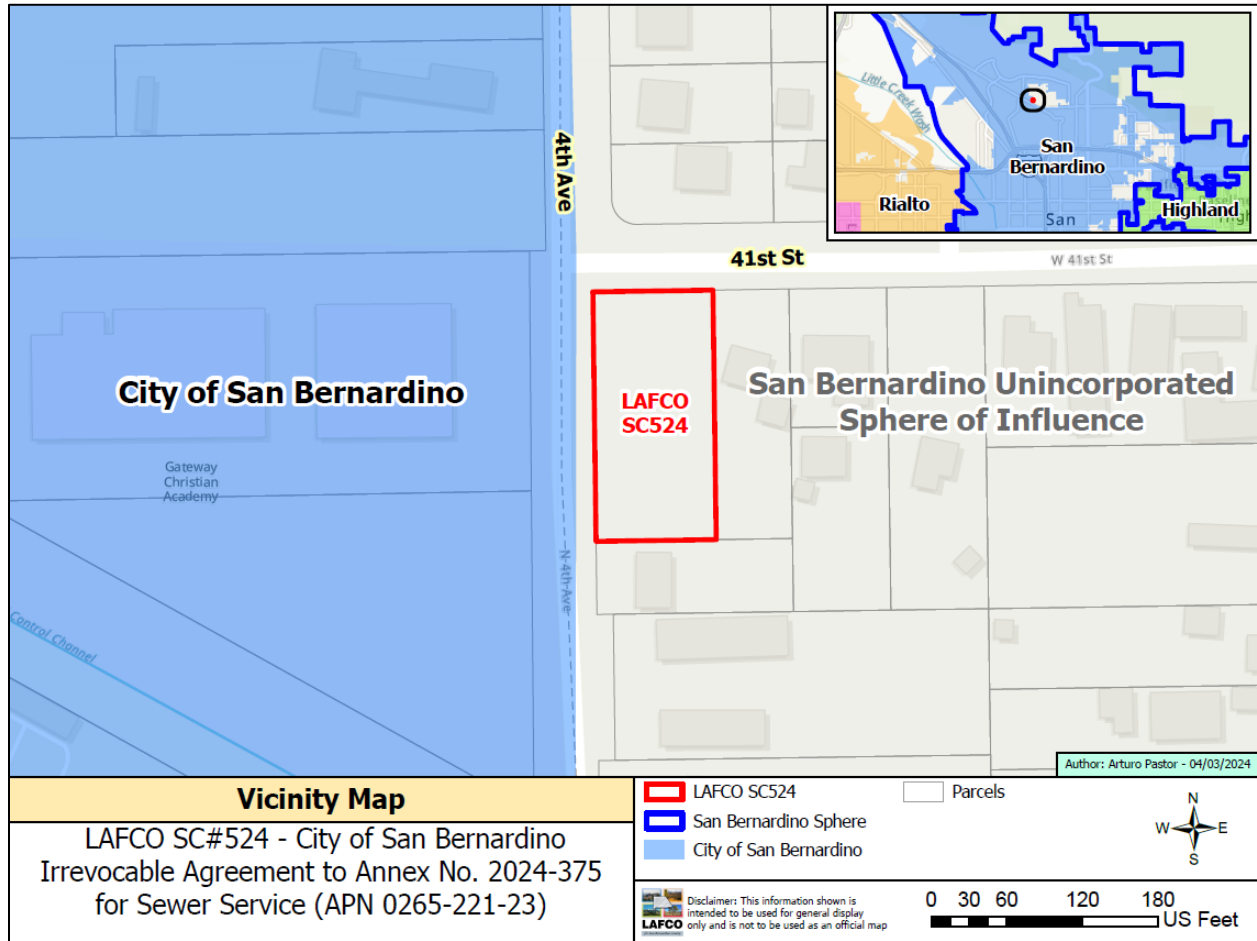
Staff recommends that the Commission approve LAFCO SC#524 by taking the following actions:

1. Certify that LAFCO SC#524 is exempt from environmental review and direct the Executive Officer to file a Notice of Exemption within five (5) days of this action.
2. Approve LAFCO SC#524 authorizing the City of San Bernardino to extend sewer service outside its boundaries to Assessor Parcel Number 0265-221-23.
3. Adopt LAFCO Resolution No. 3401 setting forth the Commission's determinations and approval of the agreement for service outside the City of San Bernardino's boundaries.

## **BACKGROUND:**

The City of San Bernardino (hereinafter the "City") has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service outside its boundaries to a parcel, Assessor Parcel Number (APN) 0265-221-23, generally located on the southeast corner of 4<sup>th</sup> Avenue and 41<sup>st</sup> Street (1199 West 41<sup>st</sup> Street), within the City of San Bernardino's northern sphere of influence, in

the unincorporated Arrowhead Farms community. The vicinity map below, which is also included as Attachment #1, provides the location of the parcel.



Vicinity Map

The property owner/developer intends to build a multi-family fourplex, which requires connection to the City’s water and sewer facilities.

Note that in May 2010, the Commission confirmed that the provision of water service by the City within the area previously served by the Arrowhead Valley Mutual Water Company—which includes APN 0265-221-23—is exempt from further LAFCO review through approval of LAFCO SC#352. Therefore, the provision of water service to the project is not considered as part of this authorization request.

However, the extension of sewer service will require a contract with the City for the provision of its sewer service outside its boundaries. Therefore, the City, on behalf of the property owner/developer, has requested that the Commission authorize the extension of sewer service to the 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 identifies that sewer service to the parcel will be provided from the existing 10-inch sewer main in 41<sup>st</sup> Street fronting the contract parcel.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside the agency's boundaries. The City estimates a total of \$15,955 (known costs) for the extension of sewer service to the parcel. Following is a table with a breakdown of the fee calculation:

Description of Fees/Charges	Cost	Total Cost
Sewer Treatment Capacity Charge	\$2,625/unit	\$10,500
Sewer Collection Capacity Charge	\$420/bdrm	\$5,040
Sewer Lateral Inspection Fee	\$415	\$415
<b>Total Costs</b>		<b>\$15,955</b>

In addition to the cost outlined above, the property owner/developer will be responsible for the entire cost of the sewer connection from the existing sewer main and extending along the frontage of the parcels as well as the lateral extension from the sewer main to the property.

### **ENVIRONMENTAL DETERMINATION:**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Dodson and Associates, has reviewed this application and has indicated that it is his recommendation that the review of LAFCO SC#524 is exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's authorization of the out-of-agency service agreement has no potential to cause a significant adverse impact on the environment; and therefore, the request is exempt (under the "Common Sense Rule") from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3). A copy of Mr. Dodson's response is included as Attachment #3 to this report.

### **CONCLUSION:**

The development of the multi-family fourplex requires that it receive water and sewer service from the City of San Bernardino.

For water service, the Commission has previously confirmed that the provision of water service within the area—which includes parcel, APN 0265-221-23—is exempt from LAFCO review. Therefore, there is no issue with the provision of water service by the City.

However, for sewer service, the property owner/developer must show proof of its ability to connect to the City's sewer infrastructure for the project to proceed, which—in this case—is the Commission's authorization for the agreement.

Staff has reviewed this request for authorization to provide sewer 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 to the City 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 0265-221-23 since its facilities are adjacent the parcel, and there is no other existing entity available to provide this service within the area.

**DETERMINATIONS:**

1. The parcel, identified as Assessor Parcel Number 0265-221-23, is within the sphere of influence assigned to the City of San Bernardino and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of San Bernardino sewer service.

For water service, the Commission has previously confirmed that the provision of water service by the City of San Bernardino within the area previously served by the Arrowhead Valley Mutual Water Company—which includes said parcel—is exempt from LAFCO review.

Therefore, this application requests authorization to receive City of San Bernardino sewer service only. Approval of the City's request for authorization to provide sewer service is necessary for the project to proceed.

2. The City of San Bernardino's Irrevocable Agreement to Annex No. 2024-375 being considered is for the provision of sewer service to Assessor Parcel Number 0265-221-23. 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 San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The City of San Bernardino estimates a total of \$15,955 for the extension of sewer service to the project. Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owner/developer shall bear all costs to complete improvements needed to extend sewer service to the parcel.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review under the "Common Sense Rule" since it has no potential to cause a significant adverse impact on the environment (Section 15061[b] [3] of the State California



Environmental Quality Act Guidelines). Therefore, this proposal is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines. The Commission hereby adopts the Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

Attachments:

1. [Vicinity Map](#)
2. [City of San Bernardino's Application and Contract](#)
3. [Response from Tom Dodson and Associates](#)
4. [Draft Resolution No. 3401](#)



## Vicinity Map

LAFCO SC#524 - City of San Bernardino  
Irrevocable Agreement to Annex No. 2024-375  
for Sewer Service (APN 0265-221-23)

- LAFCO SC524
- San Bernardino Sphere
- City of San Bernardino

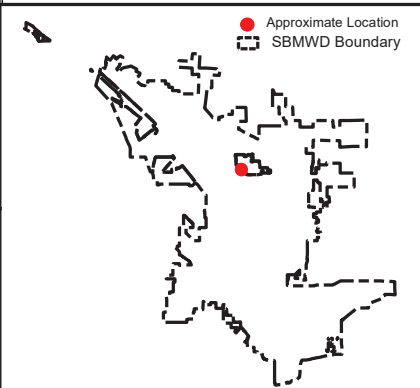
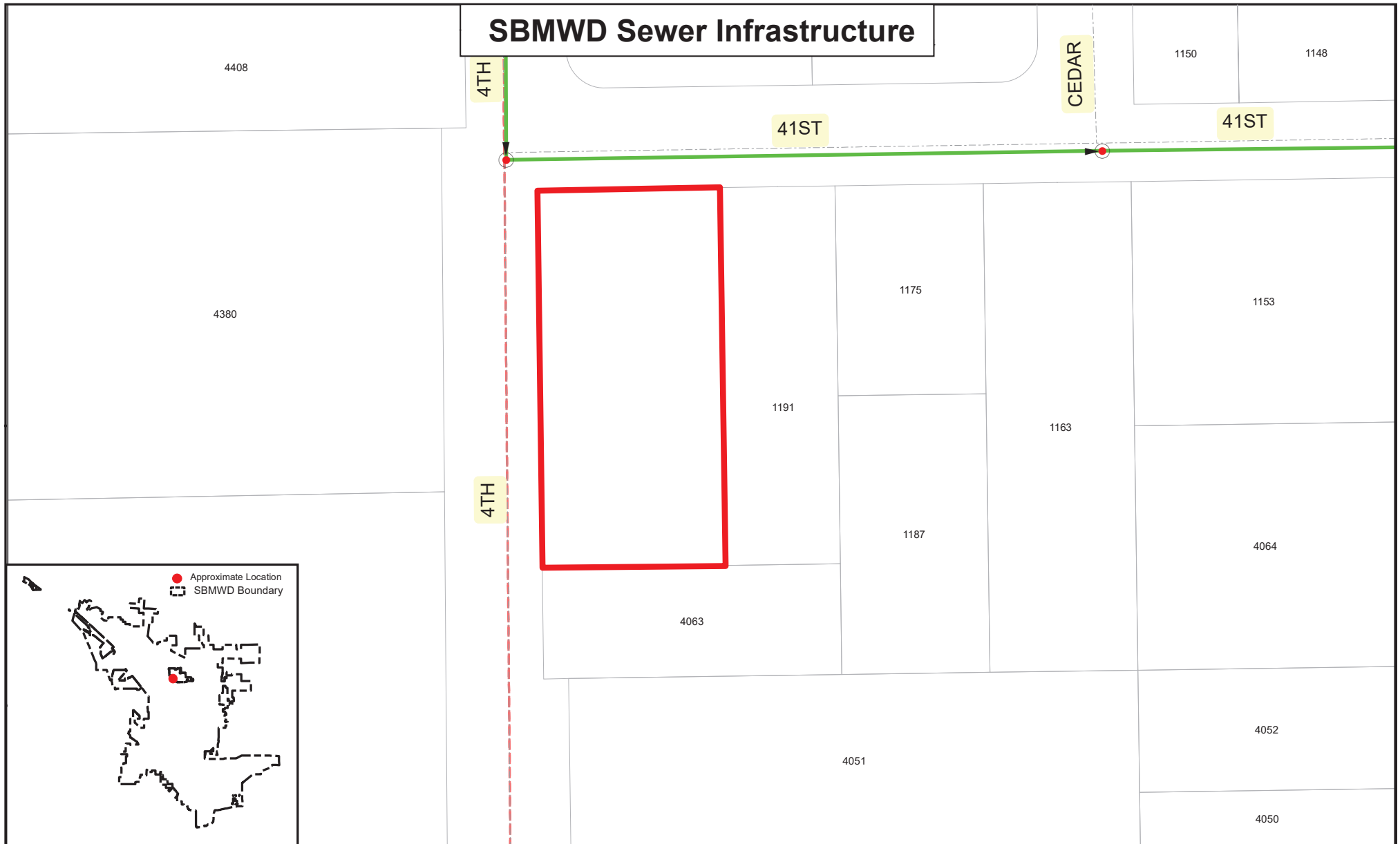
Parcels



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

0 30 60 120 180 US Feet

# SBMWD Sewer Infrastructure



0 15 30 60 90 120 Feet

NOT FOR CONSTRUCTION USE

This map and accompanying data sheet represent a visual aid intended to assist San Bernardino Municipal Water Department personnel with the management of water system facilities. Data provided hereon is not a guarantee of actual field conditions nor a substitute for record drawings and field verification.

MARCH 2024



**SAN BERNARDINO LAFCO  
APPLICATION FOR  
EXTENSION OF SERVICE BY CONTRACT**

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

**AGENCY TO EXTEND SERVICE:**

AGENCY NAME: San Bernardino Municipal Water Department  
CONTACT PERSON: Ted Brunson  
ADDRESS: 397 Chandler Place  
San Bernardino, CA 92408  
PHONE: (909) 453-6165  
EMAIL: Ted.Brunson@sbmwd.org

**CONTRACTING PARTY:**

NAME OF  
PROPERTY OWNER: RK Capital Group  
CONTACT PERSON: Ms. Ana Medrano  
MAILING ADDRESS: P.O. Box 1915  
Yucaipa, CA 92399  
PHONE: 909-635-7768  
EMAIL: rkcapitalgroup0914@gmail.com  
ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 1199 West 41st Street  
San Bernardino, CA 92407  
CONTRACT NUMBER/IDENTIFICATION: 2017-004  
PARCEL NUMBER(S): APN: 0265-221-23  
ACREAGE: 18,810 S.F. From PIMS

*Extension of Service by Contract  
Application Form*

(FOR LAFCO USE ONLY)

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

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

Sanitary Sewer Treatment (Sewer Treatment) and

Sanitary Sewer Collection (Sewer Collection)

- (b) Are any of the services identified above "new" services to be offered by the agency? ☒ YES ☐ NO. If yes, please provide explanation on how the agency is able to provide the service.

Existing sanitary sewer collection main exists within 41st Street fronting the Contract Parcel.

Existing SBMWD Water Reclamation Treatment Plant has available sewer treatment capacity.

Sewer lateral and connection to the SBMWD sanitary sewer main to be installed by owner.

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

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

SBMWD Sewer Lateral Connection Invoice to be paid prior to issuance of sewer lateral inspection permit.

Sewer collection and treatment fees to be added to Contract Parcel's SBMWD account for monthly billing.

Irrevocable Annexation Agreement was established as a required condition of connection.

4. (a) Is annexation of the territory by your agency anticipated at some point in the future? ☒ YES ☐ NO. If yes, please provide a projected timeframe when it anticipates filing an application for annexation of territory that would include the area to be served. If no, please provide an explanation as to why a jurisdictional change is not possible at this time.

No known time frame exists. Goals of annexation will be furthered by

Irrevocable Annexation Agreements for new sewer connections.

- (b) Is the property to be served contiguous to the agency's boundary?  
☒ YES ☐ NO. If yes, please provide explanation on why annexation to the agency is not being contemplated.

The annexation is being contemplated and is desired. Goals of annexation will be furthered by Irrevocable Annexation Agreements for new sewer connections.

Single parcel annexations are not being pursued, due to administrative costs.

5. Is the service agreement/contract outside the Agency's sphere of influence in response to a threat to the public health and safety of the existing residents as defined by Government Code Section 56133(c)?  
☐ YES ☐ NO. If yes, please provide documentation regarding the circumstance (i.e. letter from Environmental Health Services or the Regional Water Quality Control Board).

Not applicable. Contract property is within Agency's sphere of influence.

6. (a) What is the existing use of the property? The property is currently a vacant parcel and is awaiting connection to the existing sanitary sewer main within 41st Street.

Land Type is listed as Single Family Residential (Max 14 Units), from PIMS.

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

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

The currently vacant parcel is awaiting connection to the existing sanitary sewer main prior to the development of a multi-family residence, fourplex.

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"/>

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

10. Plan for Service:

- (a) Please provide a detailed description of how services are to be extended to the property. The response should include, but not be limited to, a description of:  
1) capacity of existing infrastructure, 2) type of infrastructure to be extended or added to serve the area, 3) location of existing infrastructure in relation to the area to be served, 4) distance of infrastructure to be extended to serve the area, and 5) other permits required to move forward with the service extension.

SBMWD maintains a 10" Vitrified Clay Pipe, (VCP) sanitary sewer main in 41st Street  
fronting the contract parcel. Capacity exists in the 10" sanitary sewer main, as well  
as at the San Bernardino Water Reclamation Plant, to serve the contract property.  
Sewer lateral to be installed by owner's licensed contractor (Class A or Classes  
C-34 & C-42), from proposed development up to and including connection to  
existing sanitary sewer main. All necessary permits for excavation and pavement  
replacement to be obtained by owner's contractor with the respective governing  
agencies. SBMWD to provide sewer connection permit and certificate of paid  
sewer treatment capacity and sewer collection capacity charges, and perform



inspection within the right-of-way of June Street during installation and  
connection of the sewer lateral to the sanitary sewer main.

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

<i>Description of Fees/Charges</i>	<i>Cost</i>	<i>Total</i>
Sewer Treatment Capacity Charge	\$2,625.00/unitx4	\$10,500.00
Sewer Collection Capacity Charge	\$420.00/Brmx12	\$5,040.00
Sewer Lateral Inspection Fee	\$415.00	\$415.00
<b>Total Costs</b>		<b>\$15,955.00</b>

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

Outside City Sewer Service Permit Application Fee of \$1,125.00 was paid with  
submission of original SBMWD sewer application (07/2023).

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

Not applicable.

- 11 Does the City/District have any policies related to extending service(s) outside its boundary? ☒ YES ☐ NO. If yes, has a copy been provided to LAFCO? ☐ YES ☒ NO. If not, please include a copy of the policy or policies (i.e. resolution, municipal code section, etc.) as part of the application.  
Policy attached. Policy was adopted by the City of San Bernardino when the  
sewer collection system was maintained by the Public Works Department. It  
is unknown if this policy has been provided to LAFCO at an earlier date.

## CERTIFICATION

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

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

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

*Extension of Service by Contract  
Application Form*

\_\_\_\_\_  
(FOR LAFCO USE ONLY)

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

SIGNED

Ted Brunson

NAME:

Ted Brunson

POSITION TITLE:

Development Services Manager

DATE:

03/21/2024

REQUIRED EXHIBITS TO THIS APPLICATION:

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

Please forward the completed form and related information to:

**Local Agency Formation Commission for San Bernardino County**

1170 West 3rd Street, Unit 150

San Bernardino, CA 92415-0490

PHONE: (909) 388-0480 • FAX: (909) 388-0481

Rev: krm – 8/19/2015

# **TOM DODSON & ASSOCIATES**

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*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

**Web:** tdaenvironmental.com



April 29, 2024

Mr. Samuel Martinez  
Executive Officer  
Local Agency Formation Commission  
1170 West 3<sup>rd</sup> Street, Unit 150  
San Bernardino, CA 92415-0480

Dear Sam:

I have completed the California Environmental Quality Act (CEQA) review of out-of-area service contract, LAFCO SC#524 for the Commission. LAFCO SC#524 consists of a request by the property owner to obtain a connection to the City of San Bernardino sewer collection system. The property is located at 1199 West 41<sup>st</sup> Street which is located within the City of San Bernardino's northern Sphere of Influence. The attached map shows the location of this approximate 18,810 square foot parcel, which is the southeast corner of 41<sup>st</sup> Street and north 4<sup>th</sup> Avenue. Approval of LAFCO SC#524 would allow the site to be developed with a four-plex multifamily development and connect to the sewer located adjacent to the property in 41<sup>st</sup> Street.

Based on the above proposal and the analysis and findings presented below, I conclude that LAFCO SC#524 can be implemented without causing significant adverse environmental impacts. LAFCO will consider this extension of service as the CEQA lead agency. Based on the proposal to provide essential sewer service to the project site in conformance with an irrevocable agreement to annex to the City of San Bernardino in the future, I conclude that this project provides an essential service that has no potential to cause a significant adverse impact on the environment.

Therefore, I recommend that LAFCO SC#524 does not constitute a project under CEQA and adoption of an exemption (under the "Common Sense" finding in the State CEQA Guidelines) and filing of a Notice of Exemption is the most appropriate determination to comply with the CEQA for this action. This exemption is found in Section 15061(b)(3) for this action. See the attached definition. The Commission can approve this review and finding for this action based on the preceding analysis, and I recommend that you notice LAFCO SC#524 as exempt from CEQA for the reasons outlined in the State CEQA Guideline section cited above. The Commission needs to file a Notice of Exemption (NOE) with the County Clerk of the Board for this action once a decision is made for this out-of-area service agreement.

Thus, after independent review of this proposed action, this proposed out-of-area sewer extension does not appear to have any potential to significantly alter the existing physical environment. Since no other project is known to be pending or will occur as a result of approving this application, no other potential significant physical changes in the environment are forecast to result from this action.

Based on this review of LAFCO SC#524 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 "Common Sense" exemption, as adequate substantiation in accordance with the Commission's CEQA lead agency status. If you have any questions regarding this recommendation, please feel free to give me a call.

Sincerely,

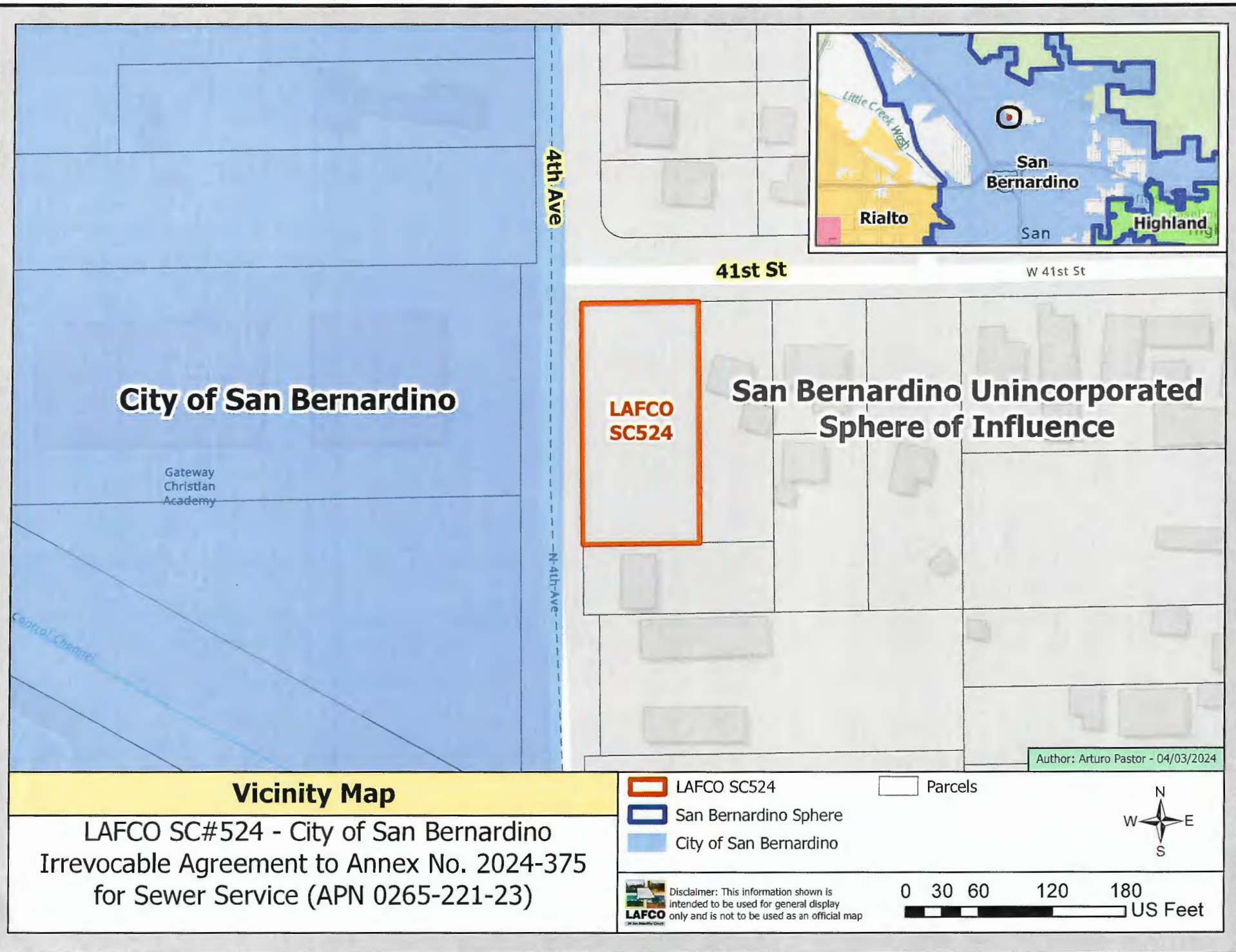
A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson

TD/cmc

Attachments

LAFCO SC#524 SE NOE





**Note:** Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 65944, Government Code; Section 21080.2, Public Resources Code.

### 15060.5. PREAPPLICATION CONSULTATION

- (a) For a potential project involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies, the lead agency shall, upon the request of a potential applicant and prior to the filing of a formal application, provide for consultation with the potential applicant to consider the range of actions, potential alternatives, mitigation measures, and any potential significant effects on the environment of the potential project.
- (b) The lead agency may include in the consultation one or more responsible agencies, trustee agencies, and other public agencies who in the opinion of the lead agency may have an interest in the proposed project. The lead agency may consult the Office of Permit Assistance in the Trade and Commerce Agency for help in identifying interested agencies.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Section 21080.1, Public Resources Code.

### 15061. REVIEW FOR EXEMPTION

- (a) Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA.
- (b) A project is exempt from CEQA if:
  - (1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).
  - (2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.
  - (3) **The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.**
  - (4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).
  - (5) The project is exempt pursuant to the provisions of Article 12.5 of this Chapter.
- (c) Each public agency should include in its implementing procedures a listing of the projects often handled by the agency that the agency has determined to be exempt. This listing should be used in preliminary review.
- (d) After determining that a project is exempt, the agency may prepare a Notice of Exemption as provided in Section 15062. Although the notice may be kept with the project application at this time, the notice shall not be filed with the Office of Planning and Research or the county clerk until the project has been approved.
- (e) When a non-elected official or decisionmaking body of a local lead agency decides that a project is exempt from CEQA, and the public agency approves or determines to carry out the project, the decision that the project is exempt may be appealed to the local lead agency's elected decisionmaking body, if one exists. A local lead agency may establish procedures governing such appeals.

**Note:** Authority cited: Section 21083, Public Resources Code; Reference: Sections 21080, 21080.9, 21080.10, 21084, 21108, 21151, 21152, and 21159.21, Public Resources Code; Muzzy Ranch Co. v. Solano County Airport Land Use Commission (2007) 41 Cal. 4th 372, *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68.



# **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#524**

**HEARING DATE: MAY 8, 2024**

**RESOLUTION NO. 3401**

## **A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#524 – CITY OF SAN BERNARDINO IRREVOCABLE AGREEMENT TO ANNEX NO. 2024-375 FOR SEWER SERVICE**

**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 15, 2024 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;

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

### **DETERMINATIONS:**

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

1. The parcel, identified as Assessor Parcel Number 0265-221-23, is within the sphere of influence assigned to the City of San Bernardino and is anticipated to become a part of that City sometime in the future. The application requests authorization to receive City of San Bernardino sewer service.

For water service, the Commission has previously confirmed that the provision of water service by the City of San Bernardino within the area previously served by the Arrowhead Valley Mutual Water Company—which includes said parcel—is exempt from LAFCO review.

Therefore, this application requests authorization to receive City of San Bernardino sewer service only. Approval of the City's request for authorization to provide sewer service is necessary for the project to proceed.

2. The City of San Bernardino's Irrevocable Agreement to Annex No. 2024-375 being considered is for the provision of sewer service to Assessor Parcel Number 0265-221-23. 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 San Bernardino to proceed in finalizing the contract for the extension of sewer service.
3. The City of San Bernardino estimates a total of \$15,955 (known costs) for the extension of sewer service to the project. Payment of these fees is required prior to connection to the City's sewer facilities. In addition, the property owner/developer shall bear all costs to complete improvements needed to extend sewer service to the parcel.
4. The Local Agency Formation Commission for San Bernardino County has determined that this service contract is exempt from environmental review under the "Common Sense Rule" since it has no potential to cause a significant adverse impact on the environment (Section 15061[b] [3] of the State California Environmental Quality Act Guidelines). Therefore, this proposal is not subject to environmental review under the provisions of the State CEQA Guidelines section cited above or the Commission's adopted CEQA Guidelines. The Commission hereby adopts the Exemption and directs its Executive Officer to file a Notice of Exemption within five (5) working days with the San Bernardino County Clerk of the Board of Supervisors.

**SECTION 2. CONDITION.** The City of San Bernardino shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal

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expense, legal action, or judgment arising out of the Commission's approval of this service contract, including any reimbursement of legal fees and costs incurred by the Commission.

**SECTION 3.** The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of San Bernardino to provide sewer service to Assessor Parcel Number 0265-221-23.

**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#524 – City of San Bernardino Irrevocable Agreement to Annex No. 2024-375 for Sewer Service, has been approved.

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

**AYES:**           **COMMISSIONERS:**

**NOES:            COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

\* \* \* \* \*

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

**I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of May 15, 2024.**

**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 8, 2024

**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Assistant Executive Officer

**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #15 – REVIEW AND ADOPTION OF AMENDMENTS TO LAFCO POLICY AND PROCEDURE MANUAL, SECTION II (INTERNAL OPERATIONS, ACCOUNTING, AND FINANCIAL) AND 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 amendments to the Policy and Procedure Manual.
3. Adopt Resolution No. 3403 approving the amendments to the Policy and Procedure Manual and direct the Executive Officer to make the document available on the Commission's website.

## **POLICY AMENDMENTS APPROVED IN APRIL:**

In April, the Commission approved the Preliminary Budget, which included proposed amendments to the Policy and Procedure Manual. The policy amendments, which were approved by the Commission in April, are recommended for formal adoption at this hearing and are summarized below. Attachment #1 includes the existing policies with revisions in track-change format.

## **SECTION II – INTERNAL OPERATIONS, ACCOUNTING, AND FINANCIAL**

### **Reserves**

Amend the reserve policy by adding a new assigned reserve—Application Reserve—to account for application revenues anticipated for the upcoming budget year.

## **SECTION III – HUMAN RESOURCES**

### **Salary**

Amend Salary Ranges providing a 4.5% COLA for all employees.

### **Benefits**

- Amend the Medical Premium Subsidy for all coverage levels effective the pay period following Commission approval; July 13, 2024; July 12, 2025; and July 11, 2026. The subsidy effective May 18, 2024 will be a known amount and will become the base amount. Subsequent subsidies shall increase by 100% of the benefit plan year premium increase.
- Amend the Retention Pay by increasing the current tier at 15 years of service to 3% and establish a new tier of 1% at 10 years of service.

## **NON-SUBSTANTIVE AMENDMENTS APPROVED IN APRIL:**

Also in April, the Commission approved non-substantive amendments to Section III, Human Resources. These non-substantive amendments and/or technical updates include removal of obsolete content and clarification of language due to statutory and rule changes. The amendments are recommended for formal adoption at this hearing. Attachment #1 includes the existing policies with revisions in track-change format.

## **CONCLUSION:**

Staff requests that the Commission provide staff with any additional changes or corrections to the proposed amendments to the Policy and Procedure Manual for staff to include in the document. Staff recommends that the Commission take the actions outlined on page 1 of this report to approve the changes.

Attachment:

1. [Exhibit A to Draft Resolution No. 3403](#)
2. [Draft LAFCO Resolution No. 3403](#)

## **SECTION II**

### **INTERNAL OPERATIONS, ACCOUNTING, AND FINANCIAL**

#### **CHAPTER 1: INTERNAL OPERATIONS**

##### **POLICIES:**

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6. **RESERVE POLICY** *(Adopted April 21, 2011, Amended October 22, 2014, Amended May 20, 2020; [May 15, 2024](#))*

The Commission will require the maintenance of three separate reserves which shall be funded as a part of the annual budget adoption process as follows:

- A. The balance of San Bernardino LAFCO employee compensated absences at February 1 of each fiscal year shall be funded and placed in a committed reserve account in the following fiscal year budget;
- B. Annually the Commission shall set aside a minimum of \$200,000 in an assigned reserve account for payment of potential litigation or other special need; and,
- C. A committed reserve shall set aside funds for future payment of the extra pay period that occurs every tenth year.
- D. Annually, the Commission shall set funds generally equal to the amount of application revenues received the prior fiscal year.

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**SECTION III**  
**HUMAN RESOURCES**

Internal Operating Guidelines consolidated into Human Resources Policies and Procedures – June 16, 2011

Human Resources Policies and Procedures and Benefit Plan incorporated into Policy and Procedure Manual as separate sections – September 28, 2011

Benefit Plan section consolidated into Human Resources Policies and Procedures section as Chapter V – August 19, 2015



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## **CHAPTER 2: EMPLOYMENT**

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### **2. COMPENSATION**

- A. It is the intention of SB LAFCO to provide compensation to its employees based on identified responsibilities, skill levels, performance of responsibilities, educational accomplishments and current comparable wages for the region.

Annual compensation reviews will be conducted to assess the employees' performance of the responsibilities as outlined in their job description. The percentage and/or dollar amount to be allocated for merit increases will be determined in the annual budget process with the Commission by recommendation of the Executive Officer. Special compensation adjustments may be made if necessary.

Bi-annual review of the compensation structures will be conducted and if appropriate, adjustments made to accommodate any necessary changes to the established salary range.

Issues regarding compensation should be addressed to the immediate supervisor, Executive Officer or appointed Human Resources Representative.

- B. SALARY RANGES (*Adopted June 16, 2011; Amended May 16, 2012; 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; [May 17, 2023](#); [May 15, 2024](#)*):

The following shall be the salary ranges for LAFCO positions.

Effective ~~July 15, 2023~~ [July 13, 2024](#), the following shall be the salary ranges for LAFCO positions (~~5.0~~[4.5](#)% increase):

Position	Hourly Range
Executive Officer	<del>\$92.63</del> <a href="#">96.80</a> to <del>\$132.75</del> <a href="#">138.72</a>
Assistant Executive Officer	<del>\$46.94</del> <a href="#">49.05</a> to <del>\$67.02</del> <a href="#">70.04</a>
Senior Analyst	<del>\$41.74</del> <a href="#">43.62</a> to <del>\$59.50</del> <a href="#">62.18</a>
Project Manager	<del>\$37.19</del> <a href="#">38.86</a> to <del>\$52.93</del> <a href="#">55.31</a>
LAFCO Analyst – GIS/Database Manager	<del>\$31.60</del> <a href="#">33.03</a> to <del>\$45.08</del> <a href="#">47.11</a>

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Clerk to the Commission/Office Manager	<del>\$28.32</del> <u>29.59</u> to <del>\$40.02</del> <u>41.82</u>
Administrative Assistant	<del>\$23.71</del> <u>24.77</u> to <del>\$33.32</del> <u>34.82</u>

Effective July 15, 2023, each salary range shall have 16 steps. The spread between steps shall be approximately two and one-half percent (2.5%). The salary schedule shows the hourly rate for each step in the salary range.

C. SPECIAL ASSIGNMENT COMPENSATION *(Amended August 19, 2015)*

Increases in pay may be granted to recognize the temporary assignment of additional responsibilities that are significant in nature and beyond the normal scope of the position. No award shall be made in any situation related to a vacation, short-term illness or other relief which is six (6) weeks or less. The duration of such assignments are not intended to exceed one (1) calendar year except in unusual circumstances approved by both the Executive Officer and the Commission or designee. Employees will normally not be in a probationary status. The employee shall be required to meet standards for satisfactory performance.

Compensation shall be awarded in pay period increments and shall be in the form of a specified percentage of the employee's base pay. The Appointing Authority will determine the amount in increments of one-half percent (1/2%) from a minimum of two and one-half percent (2-1/2%) up to a maximum of seven and one-half percent (7-1/2%). The additional compensation will be computed at the specified percentage of the current base pay of the employee for each pay period. Such increases in pay shall not affect an employee's step advancement in the base range pursuant to the Salary Rates and Step Advancements section.

Requests for Special Assignment Compensation may be initiated by the Appointing Authority or an employee via the Appointing Authority. The Appointing Authority and the employee bear mutual responsibility for initiating the compensation request in a timely manner and adhering to the compensation provisions defined in this provision. It is important to obtain Appointing Authority review of the request in advance of the date the employee begins the assignment, since there is no guarantee that the request will be approved. Special Assignment Compensation is to be effective only with the Commission's written approval, assignment of the greater level of duties, and signed acceptance by the employee.

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This provision shall not be utilized to circumvent or provide additional compensation over and above that which may be provided in “Classification” and “Assignment to Vacant Higher Position.”

These aforementioned provisions are mutually exclusive concepts and as such there shall be no dual or multiple requests based on the same facts.

**D. BILINGUAL COMPENSATION**

Upon the approval of the Commission or designee, employees required to perform bilingual translation involving the use of English and a second language (including American Sign Language) as a condition of employment, shall be eligible for bilingual compensation in the amount of forty-five dollars (\$45.00) per pay period. Such compensation shall apply regardless of the total time required per day for such translation. Such employees must be certified as competent in translation skills by the Appointing Authority to be eligible for compensation.

**E. RETENTION** (*Adopted January 27, 2016; Amended May 19, 2021*)

LAFCO employees shall be eligible for retention pay above the base rate of pay, as indicated below, based on total hours of completed continuous service with LAFCO. Retention pay shall be paid on all paid hours up to an employee’s standard hours, and shall not be considered when determining the appropriate rate of pay for a promotion or demotion. For purposes of retention pay only, a year of completed LAFCO service is defined as 2,080 service hours with LAFCO.

Total Completed Service	Compensation
<u>20,800 Continuous Service Hours (10 years)</u>	<u>1.0%</u>
31,200 Continuous Service Hours (15 years)	<del>2.0%</del> 3.0%

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## **CHAPTER 3: TIME OFF**

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### **2. VACATION**

#### **A. GENERAL *(Amended June 16, 2011)***

SB LAFCO provides paid vacation benefits to all regular full-time and regular part-time employees for the recreation and well being of the employees. Part-time employees accrue paid vacation on a pro-rated basis. Employees will accrue vacation according to continuous years of service. If an employee has exhausted sick leave, vacation leave may be used for sick leave purposes upon a special request of the employee and with the approval of the appointing authority.

#### **B. PRIOR SERVICE TIME *(Adopted May 20, 2009)***

Regular employees hired by SB LAFCO who have been employed by a public or private jurisdiction and wish to have credit for their prior vacation leave recognized by SB LAFCO shall do the following:

- (1) Provide documentation of the number of vacation leave hours from the prior public or private jurisdiction paid in cash to the employee upon their termination.
- (2) Submit payment of the total amount paid at termination for vacation leave to SB LAFCO.

SB LAFCO will then recognize those hours as vacation leave.

#### **C. ACCUMULATION *(Amended June 16, 2011)***

Employees in regular positions scheduled to work eighty (80) hours per pay period shall accrue, on pro-rata basis, vacation leave for completed pay periods. The vacation allowance shall be available for use on the first day following the pay period in which it is earned, provided an employee has worked six pay-periods from the employee's benefit date. Employees in regular positions paid less than 80 hours per pay period shall receive vacation accumulation on a pro-rated basis.

<b>Length of Service from Service Date</b>	<b>Annual Vacation Allowance</b>
After 1,600 and through 8320 service hours	80 Hours

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Over 8,320 and through 18,720 service hours	120 Hours
Over 18,720 service hours	160 Hours

There shall be no limitation on vacation leave accruals until calendar year 2011. Effective pay period 1 of 2011, the maximum vacation leave accrual balance that may be carried over to a future calendar year shall be 480 hours. However, the maximum vacation leave accrual balance that may be carried over into a future calendar year for an employee with a balance of more than 480 hours at the end of calendar year 2010 shall be such employee's vacation leave balance at the end of pay period 26 of calendar year 2010. Thereafter, the employee's maximum vacation accrual balance for those employees with a balance greater than 480 hours at the end of calendar year 2010 shall be adjusted annually at the end of each calendar year and shall never be increased. Any vacation leave accrual balance in excess of the employee's maximum leave accrual balance at the end of the calendar year shall be cashed out and paid in accordance with this section.

Vacation should be taken annually with the approval of the appointing authority at such time as it will not impair the work schedule or efficiency of SB LAFCO but with consideration given to the wellbeing of the employee. The minimum charge against accumulated vacation leave shall be 15 minutes. Vacation leave shall be compensated at the employee's base rate of pay, except as otherwise provided. When a fixed holiday falls within a vacation period, the holiday time shall not be charged against an employee's earned vacation benefits.

An employee whose employment terminates will be paid for accrued, unused vacation hours. Retiring employees may elect to use vacation leave to enhance retirement benefits or be compensated in a lump sum payment for accrued vacation leave.

In cases where an employee terminates employment with SB LAFCO, and has been permitted to take vacation time prior to actual accrual, the final paycheck will reflect a deduction relative to the amount of un-accrued time off taken.

D. **CONVERSION OF VACATION LEAVE TO CASH** (*Amended June 16, 2011; Amended April 18, 2018*)

(1) Elective Conversion

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Eligible employees may be approved by the appointing authority to sell back vacation time at the then hourly base rate of the employee. Eligible employees may exercise this option under procedures established by the Executive Officer or designee. In lieu of cash, the employee may designate that part or all of the value of vacation leave be contributed to LAFCO's section 401(k) Defined Contribution Plan or section 457(b) Deferred Compensation Plan.

In order to sell back vacation time prior to termination or retirement, an employee may exercise the following options:

- a. Option 1, Future Accruals - An employee must make an irrevocable election during the month of December specifying the number of hours to be sold back from the next calendar year's vacation time accrual. Such election must be made, in increments of not less than 10 hours and may not exceed 160 hours. All designated hours remaining in the last pay period of the calendar year ~~at the end of pay period 25~~ will automatically be converted into cash in the last pay period of the calendar year.
- b. Option 2, Existing Accruals - Existing accruals may be cashed out in whole hour increments with a minimum cash-out of 10 hours and will be subject to a 10% penalty.

Upon approval of the appointing authority, eligible employees are permitted to sell back vacation time at the then hourly base rate of the employee, in increments of not less than 10 hours and may not exceed 160 hours.

(2) Automatic Conversion

Commencing with calendar year 2011, at the end of the last pay period of the calendar year, an employee shall automatically have any vacation leave accruals in excess of the employee's maximum vacation leave accrual balance converted to cash. Such automatic vacation leave cash out shall be paid in pay period 1 of the next calendar year. At termination of employment, all existing vacation leave accruals shall be converted to cash and paid to the employee.

E. VACATION PRIOR SERVICE CREDIT *(Adopted October 22, 2014)*

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New employees hired into SB LAFCO in regular positions who have been employed by a public jurisdiction or private sector in a comparable position or a position which has prepared such employees for an assignment may receive credit for such previous experience in the former agency(s) in determining their vacation accrual rate. Such determination as to the comparability of previous experience and amount of credit to be granted rests solely with the appointing authority. Requests for prior service credit should be made at the time of hire or as soon as possible thereafter but in no event later than one year from the employee's hire date.

**3. HOLIDAY**

**A. GENERAL** (*Amended June 16, 2011*)

Holiday time off with pay will be granted to all regular full-time and regular part-time employees, immediately upon their start date, for the days designated by SB LAFCO. Employees in regular positions are also entitled to a total of eight hours of floating holiday time annually provided that the employee is not on unpaid leave for the entire pay period and is in paid status for the pay period where the floating holiday time is to accrue. Eight hours floating holiday time shall be accrued during the first pay period prior to the third Monday in January.

Recognized holidays that fall on a Saturday will be observed on the preceding Friday except that when the preceding Friday is also a fixed holiday, the preceding Thursday will be observed as the fixed holiday. Those that fall on a Sunday will be observed on the following Monday except that when the following Monday is also a fixed holiday, the following Tuesday will be observed as the fixed holiday. SB LAFCO reserves the right to change or substitute holidays. Employees will be given notice of any such changes.

Regular full-time and regular part-time employees are eligible for holiday pay immediately upon their start date. Holiday pay will be calculated based on an employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

If a recognized holiday falls during an employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the vacation or sick time off benefit that would otherwise have applied.

In the rare circumstances that a non-exempt employee must work on a recognized holiday, he/she will receive holiday pay plus wages at his/her straight time rate for the hours worked on the holiday. If an exempt employee must work on a recognized holiday, they may reschedule their observance of the holiday to a different (normally worked) date that is mutually acceptable to both the appointing



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authority and employee.

All employees in regular positions are entitled to the following holidays:

<b>January 1</b>	<b>Second Monday in October</b>
<b>Third Monday in January</b>	<b>November 11</b>
<b>Third Monday in February</b>	<b>Thanksgiving Day</b>
<b>Last Monday in May</b>	<b>Day after Thanksgiving</b>
<b>June 19</b>	<b>December 24</b>
<b>July 4</b>	<b>December 25</b>
<b>First Monday in September</b>	<b>December 31</b>

Floating holidays accrued shall be available for use on the first day following the pay period in which they are accrued, with the approval of the appointing authority. Appointing authorities have the right to schedule employees' time off for accrued holidays to meet the needs of the service but with consideration given to the well-being of the employee. Employees in regular positions budgeted less than 80 hours per pay period or job-shared positions shall receive floating holiday accruals on a pro-rata basis.

The maximum holiday leave accrual balance that may be carried over to a future calendar year shall be 112 hours. However, the maximum holiday leave accrual balance that may be carried over into a future calendar year for an employee with a balance of more than 112 hours at the end of calendar year 2010 shall be such employee's holiday leave balance at the end of pay period 26 of calendar year 2010. Thereafter, the employee's maximum holiday accrual balance for those employees with a balance greater than 112 hours at the end of calendar year 2010 shall be adjusted annually at the end of each calendar year, and shall never be increased.

Effective pay period 14 of calendar year 2022, the maximum holiday leave accrual balance will increase to 120 hours. The maximum holiday leave balance that may be carried over to a future calendar year shall be 120 hours. However, employees with a grandfathered balance of more than 120 hours shall carry over their maximum grandfathered accrual balance in accordance with this section.

Any holiday leave accrual balance in excess of the employee's maximum holiday leave accrual balance at the end of the calendar year shall be cashed out and paid in accordance with this section.

When a fixed holiday falls within a vacation period, the holiday time shall not be charged against all employee's earned vacation benefits.

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Whenever an employee is required to work on a fixed holiday or the fixed holiday falls on an employee's regularly scheduled day off, the employee shall accrue, on an hour-for-hour basis, up to a total of eight hours floating holiday time.

When a fixed holiday falls on a Saturday, the previous Friday will be observed as the fixed holiday except that when the preceding Friday is also a fixed holiday, the preceding Thursday will be observed as the fixed holiday. When a fixed holiday falls on a Sunday, the following Monday will be observed as the fixed holiday except that when the following Monday is also a fixed holiday, the following Tuesday will be observed as the fixed holiday.

B. CONVERSION OF HOLIDAY LEAVE TO CASH (*Amended April 18, 2018*)

(1) Elective Conversion

An employee may sell back holiday time at the base hourly rate of the employee as hereinafter provided, upon approval of the appointing authority. Eligible employees may exercise this option under procedures established by the Executive Officer. In lieu of cash, the employee may designate that part or all of the value of holiday time to be contributed to LAFCO section 401(k) Defined Contribution Plan or section 457(b) Deferred Compensation Plan.

In order to sell back holiday time prior to termination or retirement, an employee may exercise the following options:

- a. Option 1. Future Accruals. An employee must make an irrevocable election during the month of December, specifying the number of hours to be sold back from the next calendar year's holiday time accrual. Such election must be made in increments of not less than eight hours and may not exceed the annual amount to be accrued for the next calendar year. All designated hours remaining in the last pay period of the calendar year ~~at the end of pay period 25~~ will automatically be converted into cash in the last pay period of the calendar year.
- b. Option 2. Existing Accruals. Existing accruals may be cashed out in whole hour increments with a minimum cash out of eight hours and will be subject to a ten percent penalty.

(2) Automatic Conversion

Commencing with calendar year 2011, at the end of the calendar year, an employee shall automatically have any holiday leave accruals in excess of the employee's maximum holiday leave accrual balance converted to cash. Such automatic holiday leave cash out shall be paid in Pay Period 1 of the next calendar year.

Upon retirement or termination, employees shall be compensated for any unused accrued holiday time at the then current base rate.

**4. OTHER TIME OFF**

A. BEREAVEMENT LEAVE (*Amended June 16, 2011*)

Employees in regular positions may use up to two days paid leave, not charged to the employee's personal leave balances, per occurrence for bereavement due to the death of the employee's family member, as defined in this Section, except for a person "designated" by the employee for sick leave purposes. One additional day shall be granted if the employee travels over 1,000 miles from his/her residence to the bereavement service(s). This additional day shall not be charged to the employee's personal leave balances. The appointing authority may request verification of distance traveled. All employees are entitled to a total of five days of unpaid bereavement leave. The five days of leave shall include paid leave under this Section, and use of sick leave as defined in this Section.

An employee who has been with SB LAFCO for 30 days or more may utilize Bereavement Leave for each occurrence of reproductive loss. Reproductive loss includes failed adoption, failed surrogacy, miscarriage, stillbirth, and unsuccessful assisted reproduction as defined by California Government Code section 12945.6. The leave may be non-consecutive, but must be taken within 3 months of the event as defined by California Government Code section 12945.6(a)(7). If an employee experiences more than one reproductive loss event in a 12-month period, Bereavement Leave for reproductive loss shall not exceed 20 days within a 12-month period.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation such as incentives, commissions, bonuses, overtime, or shift differentials. Regular part-

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time employees will receive paid bereavement leave on a prorated basis.

Due to the death of persons in the immediate or extended family as defined in Section 1 of Chapter 3, employees may also, with their appointing authority's approval, use sick leave as set forth in Section 301 or any available vacation for additional time off as necessary.

Special consideration will also be given to any other person whose association with the employee is similar to any of the above relationships.

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## **CHAPTER 4: BENEFITS PLAN**

*(Benefit Plan Consolidated with Section III - Human Resources Policies and Procedures on August 19, 2015)*

### **1. INTRODUCTION**

#### **A. ADMINISTRATION OF BENEFITS**

San Bernardino LAFCO has contracted with the County of San Bernardino to administer the benefits for SB LAFCO employees equivalent to those provided to County “Exempt” employees. When questions arise, employees will first contact the SB LAFCO payroll person. If additional information is required, employees will contact the Human Resources Employee Benefits and Services Division Chief or designee.

#### **B. BENEFIT PLAN GROUPS**

For the purpose of this Benefits Plan, employees shall be divided into the following groups: *(Amended October 22, 2014; September 16, 2020)*

- (1) Group A. Executive Officer
- (2) Group B. All SB LAFCO Employees not in Groups A or C
- (3) Group C. Employees hired after September 16, 2020, except for the Executive Officer

### **2. MEDICAL AND DENTAL SUBSIDIES** *(Amended August 17, 2005; August 20, 2008; June 16, 2011; August 19, 2015, January 27, 2016; April 18, 2018; May 19, 2021; July 21, 2021; [May 15, 2024](#))*

- A. SB LAFCO has established a Medical Premium Subsidy (MPS) to offset the cost of medical and dental plan premiums charged to eligible employees. The MPS shall be applied first to medical plan premiums and then to dental plan premiums. The applicable MPS amount shall be paid directly to the providers of the County-sponsored medical and dental plan in which the eligible employee has enrolled. In no case, shall the MPS exceed the total cost of the medical and dental insurance premium for the coverage selected.

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~~Effective 7/16/22 the following MPS amounts shall apply:~~

	<del>Scheduled for 40 to 60 hours</del>	<del>Scheduled for 61 to 80 hours</del>
<del>Employee Only</del>	<del>\$143.11</del>	<del>\$286.21</del>
<del>Employee +1</del>	<del>\$225.41</del>	<del>\$450.82</del>
<del>Employee +2</del>	<del>\$316.31</del>	<del>\$632.61</del>

~~Effective 7/15/23 the following MPS amounts shall apply:~~

	<del>Scheduled for 40 to 60 hours</del>	<del>Scheduled for 61 to 80 hours</del>
<del>Employee Only</del>	<del>\$151.83</del>	<del>\$303.66</del>
<del>Employee +1</del>	<del>\$239.16</del>	<del>\$478.31</del>
<del>Employee +2</del>	<del>\$335.39</del>	<del>\$671.18</del>

Effective 5/18/24 the following MPS amounts shall apply:

	<u>Scheduled for 40 to 60 hours</u>	<u>Scheduled for 61 to 80 hours</u>
<u>Employee Only</u>	<u>\$155.38</u>	<u>\$310.75</u>
<u>Employee +1</u>	<u>\$249.94</u>	<u>\$499.87</u>
<u>Employee +2</u>	<u>\$351.02</u>	<u>\$702.03</u>

Effective July 13, 2024, the MPS amounts for employees scheduled for 61 to 80 hours, will increase for each tier (i.e., Employee-Only, Employee + 1, Employee + 2) by 100% of the benefit plan year premium increase of the County's Blue Shield Signature HMO. This new MPS amount shall be the new basis for subsequent years. For example, if the 2024/2025 Benefit Plan Year premium for the Employee-Only tier increases by \$20 per pay period, the MPS amount will increase by \$20 per pay period (i.e., 100% of \$20) and the total MPS for the Employee-Only tier will be \$330.75. Employees scheduled for 40 to 60 hours will receive an amount equal to one-half of the MPS for employees scheduled for 61 to 80 hours.

Effective July 12, 2025, the MPS amounts for employees scheduled for 61 to 80 hours, will increase for each tier (i.e., Employee-Only, Employee + 1, Employee + 2) by 100% of the benefit plan year

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premium increase of the County's Blue Shield Signature HMO. This new MPS amount shall be the new basis for subsequent years.

Employees scheduled for 40 to 60 hours will receive an amount equal to one-half of the MPS for employees scheduled for 61 to 80 hours.

Effective July 11, 2026, the MPS amounts for employees scheduled for 61 to 80 hours, will increase for each tier (i.e., Employee-Only, Employee + 1, Employee + 2) by 100% of the benefit plan year premium increase of the County's Blue Shield Signature HMO. This new MPS amount shall be the new basis for subsequent years.

Employees scheduled for 40 to 60 hours will receive an amount equal to one-half of the MPS for employees scheduled for 61 to 80 hours.

~~Effective 7/13/24 the following MPS amounts shall apply:~~

	<del>Scheduled for 40 to 60 hours</del>	<del>Scheduled for 61 to 80 hours</del>
<del>Employee Only</del>	<del>\$160.56</del>	<del>\$321.11</del>
<del>Employee +1</del>	<del>\$252.09</del>	<del>\$505.80</del>
<del>Employee +2</del>	<del>\$354.88</del>	<del>\$709.75</del>

~~Effective 7/12/25 the following MPS amounts shall apply:~~

	<del>Scheduled for 40 to 60 hours</del>	<del>Scheduled for 61 to 80 hours</del>
<del>Employee Only</del>	<del>\$169.28</del>	<del>\$338.56</del>
<del>Employee +1</del>	<del>\$266.65</del>	<del>\$533.29</del>
<del>Employee +2</del>	<del>\$374.16</del>	<del>\$748.32</del>

A dental Premium Subsidy (DPS) has been established for all employees who are enrolled in both County-sponsored medical and dental coverage whose premium costs for medical and dental exceeds the Medical Premium Subsidy. The amount of DPS shall be up to nine dollars forty-six cents (\$9.46), but not to exceed the combined total of the employee's out-of-pocket expenses. For example, an employee who selects "employee only" coverage for medical and dental with a combined per pay period premium cost of \$250.79 and receives a per pay period MPS of \$243.33 will receive a DPS in the amount of \$7.46 per pay period.



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**B. ELIGIBILITY FOR MPS AND DPS WHILE ON LEAVE (*Adopted August 19, 2015; Amended April 18, 2018*)**

- (1) FMLA/CFRA - Employees who are on approved leave, pursuant to FMLA/CFRA law and whose paid hours in a pay period are less than the required number of hours designated by the applicable benefit provision will continue to be enrolled in a County-sponsored medical plan and receive MPS and DPS in accordance with applicable law.
- (2) Pregnancy Disability Leave (PDL) – An employee on an approved pregnancy disability leave is eligible for continuation of MPS and DPS in accordance with PDL, Government Code section 12945.
- (3) Workers' Compensation – Employees who are on an approved leave based on an approved workers' compensation claim shall continue to receive the MPS and DPS for up to a total of twenty (20) pay periods while off work due to that work injury as long as the employee pays his/her portion of the premiums on time. If any subsequent workers' compensation claims occur during the initial twenty (20) pay periods, the remaining MPS eligibility from the original claim shall run concurrent with any additional approved workers' compensation claims that occur during the initial claim. For example, if the employee is receiving the MPS and DPS for twenty (20) pay periods for an injury and after ten (10) pay periods another workers' compensation claim is approved and the employee is eligible to receive the MPS and DPS for an additional twenty (20) pay periods, ten (10) pay periods will run concurrent with the initial claim, for a total of 30 pay periods. Employees who are still on workers' compensation after the expiration of the initial twenty (20) pay periods shall continue to receive MPS and DPS provided the employee is in paid status.
- (4) Short Term Disability – Employees who are on Short-Term Disability (STD) insurance provided by the County or State Disability Insurance (SDI) shall continue to receive the MPS and DPS provided the employee is in paid status.
- (5) Per Episode of Illness or Injury - Employees who are on an approved medical leave of absence and whose paid hours in a pay period are less than the required number of hours will continue to receive the benefits of this subsection for up to six pay periods per episode of illness or injury.

**3. MEDICAL AND DENTAL INSURANCE** (Amended August 17, 2005; June 16, 2011; August 19, 2015)

Except as otherwise provided, all eligible employees scheduled to work 40 hours or more per pay period in a regular position must enroll in a medical and dental plan offered by SB LAFCO through the County. Employees who fail to elect medical and dental plan coverage will be automatically enrolled in the medical [broad network HMO plan](#) and dental [HMO plan](#) with the lowest biweekly minimum premium rates available in the geographical location of the employee's primary residence. Medical and dental plan coverage will become effective on the first day of the pay period following the first pay period in which the employee is scheduled to work forty (40) hours or more and be in paid status.

To continue enrollment in County-sponsored medical and dental plan coverage, a SB LAFCO employee must remain in a regular position scheduled to work for a minimum of 40 hours per pay period and be in paid status or be on approved leave for which continuation of medical and dental coverage is expressly provided for, or be eligible for and have timely paid the premium for COBRA continuation coverage.

Enrollment elections must remain in effect for the remainder of the Plan Year unless an employee experiences an IRS qualifying event.

Eligible employees may elect to enroll dependents upon initial eligibility for medical and dental insurance. Thereafter, newly eligible dependents may be enrolled within sixty (60) days of obtaining dependent status, such as birth, adoption, marriage, or registration of domestic partnership.

Notification of a mid-year qualifying event must be submitted to the SB County Human Resources Employee Benefits and Services Division Chief or designee in accordance with procedures adopted by the County. Employees are responsible for notifying the County within sixty (60) days of dependent's change in eligibility for the County plans.

Dependent(s) must be removed mid-Plan year when a dependent(s) becomes ineligible for coverage under the insurance plan eligibility rules, for example, divorce, over-aged dependent, or termination of domestic partnership.

Premiums for coverage will be automatically deducted from the employee's pay warrant. Failure to pay premiums will result in loss of coverage for the employee and/or the dependents. If the employee does not have sufficient earnings to cover the deduction for premiums, the employee must make alternative payment arrangements that are acceptable to the County Employee Benefits and Services Division.

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Employees eligible for medical plan coverage who are also enrolled in comparable group medical plan sponsored by another employer or are covered by a spouse, domestic partner, or parent who is also employed with the County may elect to discontinue enrollment in the County-sponsored medical plan (opt-out or waive). Employees scheduled to work 61 to 80 hours per pay period who elect to opt-out or waive the County-sponsored medical plan coverage will be provided bi-weekly amounts as follows:

- A. Employees who elected to opt-out of County-sponsored health plan coverage prior to July 9, 2005 and continue to opt-out will receive the following bi-weekly amounts:

<b>Scheduled for 40 to 60 hours</b>	<b>Scheduled for 61 to 80 hours</b>
\$80.77	\$161.54

- B. Employees who elected to waive health plan coverage to a spouse or domestic partner currently employed by the County prior to July 9, 2005 will receive the following bi-weekly amounts:

<b>Scheduled for 40 to 60 hours</b>	<b>Scheduled for 61 to 80 hours</b>
\$115.00	\$230.00

- C. New opt-outs or waivers (i.e., new employees and current employees who opted-out or waived effective July 9, 2005 and any time thereafter) will receive the following bi-weekly amounts:

<b>Scheduled for 40 to 60 hours</b>	<b>Scheduled for 61 to 80 hours</b>
\$20.00	\$40.00

To receive these amounts, the employee must be in paid status.

Employees eligible for County-sponsored dental plan coverage who are also enrolled in a comparable group dental plan sponsored by another employer or are covered by a spouse, domestic partner, or parent who is also employed with the County may elect to discontinue enrollment in their County-sponsored dental plan.

The rules and procedures for electing to opt-out or waive the County-sponsored medical and dental plan coverage are established and administered by the SB County Human Resources Employee Benefits Department and Services Division.

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Employees may elect to opt-out or waive the County-sponsored medical and/or dental plan coverage(s) within 60 calendar days of the effective date of gaining other employer group coverage. Proof of initial gain of other group coverage is required at the time that opt-out or waive is elected.

Employees may elect to opt-out or waive the County-sponsored medical and/or dental plan coverage during an annual open enrollment period. All employees who are newly opting-out or waiving during an open enrollment period must provide verification of other employer group coverage.

Except as required at the initial opt-out/waive election, employees are not required to provide verification of continued coverage unless requested by the plan administrator.

Employees who voluntarily or involuntarily lose other employer group health plan coverage must enroll in a County-sponsored medical and/or dental plan within 60 calendar days. Enrollment in the County-sponsored plan will be provided in accordance with the requirements of the applicable plan.

There must be no break in the employee's medical and/or dental plan coverage between the termination date of the other employer group coverage and enrollment in a County-sponsored medical and/or dental plan. Terms and conditions of the applicable plan will determine the required retroactive enrollment period and premiums required to implement coverage. Failure to notify the County of loss of group coverage within 60 calendar days will require the employee to pay insurance premiums retroactively on an after-tax basis.

**4. LIFE INSURANCE**

A. **TERM LIFE INSURANCE** (*Amended June 16, 2011; August 19, 2015; May 19, 2021*)

SB LAFCO will pay the premium for a term life insurance policy, the amount of which is based on the eligible employee's scheduled hours. Employees scheduled from 40 to 60 hours per pay period shall receive \$25,000 in coverage. An employee scheduled from 61 to 80 hours shall receive \$50,000 in coverage. Life insurance will become effective on the first day of the pay is in paid status. For pay periods in which the employee is not in paid status, the employee shall have the option of continuing life insurance coverage at the employee's expense.

B. **GROUP UNIVERSAL LIFE INSURANCE** (*Amended May 16, 2007; June 16, 2011; August 19, 2015*)

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Eligible SB LAFCO employees may purchase, through payroll deductions, group universal life insurance subject to carrier requirements and approval. The benefit levels for such insurance shall be equivalent to no more than three (3) times the employee's annual base earnings. Employees who purchase group universal life insurance shall be provided a SB LAFCO contribution towards the bi-weekly premium based on the following:

**Benefit Group A**

(Executive Officer) = 50% of the premium for benefit level equal to the annual base salary or 100% of the premium for benefit level equal to 50 percent of the annual base salary.

**Benefit Groups B and C**

(All other SB LAFCO employees) = 25% of the premium for benefit level equal to the annual base salary.

**C. VOLUNTARY LIFE INSURANCE** *(Amended August 19, 2015; May 19, 2021)*

In accordance with the procedures established by the County Human Resources Employee Benefits and Services Division, eligible employees may purchase, through payroll deductions, term life insurance subject to carrier requirements.

New employees shall become initially eligible to participate in these programs on the first day of the pay period following the pay period in which the employee is in paid status. Participation will continue as long as premiums are paid timely. If the employee does not have sufficient earnings to cover the deduction for premiums, the employee must make alternative payment arrangements that are acceptable to the Employee Benefits and Services Division.

**D. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE**  
*(Amended August 19, 2015)*

Eligible employees may purchase amounts of Accidental Death and Dismemberment Insurance coverage for themselves and dependents through payroll deduction. New employees shall become initially eligible to participate in these programs on the first day of the pay period following the first pay period in which the employee is in paid status. Participation will continue as long as premiums are paid timely. If the employee does not have sufficient earnings to cover the deduction for premiums, the employee must make alternative payment arrangements that are acceptable to the County Human Resources, Employee Benefits and Services Division. The benefits will be provided

subject to carrier requirements, and will be administered by the County Employee Benefits and Services Division.

E. LONG-TERM DISABILITY INSURANCE *(Amended August 19, 2015)*

SB LAFCO will provide employees with long-term disability insurance through the county subject to carrier requirements and approval. The benefit levels ~~or such insurance shall be those approved by the County's Director of Human Resources~~ are subject to carrier requirements. Integration of leave balances (e.g., sick, vacation, etc.), either partially or fully, are allowed in conjunction with long-term disability benefits.

F. SHORT-TERM DISABILITY INSURANCE *(Amended June 16, 2011; August 19, 2015; April 18, 2018)*

SB LAFCO will provide an employer paid Short-Term Disability Insurance Plan through the County for employees. This benefit shall apply to employees in regular positions who are regularly scheduled to work 40 or more hours per pay period. The Short-Term Disability Insurance Plan benefit coverage shall be governed by the Plan Document that has been approved and adopted by the Board of Supervisors for Exempt Group employees and is subject to carrier requirements and approval. The short-term disability insurance plan benefit coverage shall include a provision for a seven (7) consecutive calendar day waiting period from the first day of disability before benefits begin. Benefits shall be fifty-five percent (55%) of base salary up to a weekly maximum established a formula that incorporates the State of California for the State Disability Insurance fund maximum. Benefit payments terminate when the employee is no longer disabled or upon termination of employment from SB LAFCO, or after receiving 180 days of benefits at which time the employee would be eligible for long-term disability benefits if still medically disabled.

G. VISION CARE INSURANCE *(Amended August 19, 2015)*

SB LAFCO will pay the premiums for vision care insurance for employees who are in paid status and their eligible dependents, subject to carrier requirements the same as provided to County exempt employees.

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**9. RETIREMENT**

A. SB LAFCO CONTRIBUTIONS *(Amended August 17, 2005; May 16, 2007; June 16, 2011, April 17, 2013; April 18, 2018; May 19, 2021)*

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LAFCO shall pay all required employer contributions to the San Bernardino County Employee's Retirement Association (SBCERA).

Any dollars that are remaining after all retirement system obligations are fully satisfied shall be paid to the employee in cash.

Pursuant to the California Public Employees' Pension Reform Act of 2013 (AB 340), SB LAFCO establishes a two-tier system for retirement contribution as follows:

Tier 1 employees are employees with an SBCERA membership date prior to January 1, 2013.

Tier 2 employees are employees with an SBCERA membership date on or after January 1, 2013.

SBCERA membership date is determined based on the following:

- Date of hire as a regular or eligible contract (when applicable) employee, or
- Date of transfer from a non-qualifying position (for example: extra-help, temporary, or part-time) to a regular position that requires membership in SBCERA, or
- Date of entry into membership with another public retirement system with which the employee established reciprocity. Therefore, if the employee enters SBCERA membership under Tier 2, but establishes reciprocity with another public retirement system where the employee was a member prior to January 1, 2013, the employee will be reclassified as a Tier 1 employee.

**B. REMAINING EMPLOYEE CONTRIBUTIONS** *(Amended April 18, 2018)*

All employee retirement system contribution obligations shall be "picked up" for tax purposes only pursuant to this Section. SB LAFCO shall implement the pickup of such retirement system contribution under Internal Revenue Code Section 414(H) (2).

SB LAFCO shall make member contributions under this section on behalf of the employee, which shall be in lieu of the employee's contributions, and such contributions shall be treated as employer contributions for purposes of reporting and wage withholding under the Internal Revenue Code and the Revenue and Taxation Code. The



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amounts picked up under this section shall be recouped through offsets against the salary of each employee for whom SB LAFCO picks up member contributions. These offsets are akin to a reduction in salary and shall be made solely for purposes of income tax reporting and withholding. The member contributions picked up by SB LAFCO under this section shall be treated as compensation paid to SB LAFCO employees for all other purposes. SB LAFCO paid employer contributions to the SBCERA under this section shall be paid from the same source of funds as used in paying the salaries of the affected employees. No employee shall have the option to receive the Retirement System contribution amounts directly instead of having them paid to SBCERA.

Until retirement or separation, all contributions picked up under this section will be considered for tax purposes as employer-paid contributions.

Upon retirement or separation, all contributions picked up under this section will be considered for tax purposes as employer-paid contributions. Contributions under this section shall be applied (as all employer or all employee contributions with the same value and restrictions) for Retirement System purposes in the same manner as the contributions under the SB LAFCO Contributions provision above.

C. SPECIAL PROVISIONS *(Amended June 16, 2011; April 18, 2018)*

Except as provided below, employees who have 30 years of service credit shall not be paid in cash seven percent (7%) of earnable compensation. Employees with at least 25 years of service as set forth in Government Code Section 31625.3 as of June 18, 2011, and who either already have or thereafter attain 30 years of service credit as set forth in Government Code Section 31625.3 shall have one opportunity during the employee's employment to receive cash payments of seven percent (7%) of earnable compensation for up to twenty-six (26) consecutive pay periods.

Employees who are over age 60 at time of hire, and who are in a regular position, and who choose not to be a member of the Retirement Association, shall be enrolled in the County's 401(k) Salary Savings Plan. SB LAFCO shall contribute the applicable percent of the employee's biweekly salary as defined in this Section to the Plan, and the employee shall contribute a minimum of three percent of biweekly salary to the plan, not to exceed the annual limits of the Plan as defined in the Internal Revenue Code.

D. SURVIVOR BENEFITS *(Amended April 18, 2018)*

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Survivor Benefits are payable to employed general retirement members with at least 18 months continuous retirement membership pursuant to Government Code Section 31855.12. An equal, non-refundable employer and employee bi-weekly contribution will be paid to SBCERA as provided in the annual actuarial study.

E. RETIREMENT MEDICAL TRUST FUND (*Amended July 18, 2007; Amended August 20, 2008; August 19, 2015; May 19, 2021*)

A Retirement Medical Trust Fund has been established for SB LAFCO employees with five (5) or more years of participation in the San Bernardino County Employees' Retirement Association (SBCERA). The Trust Fund is a Voluntary Employees Benefit Association (VEBA) and will comply with all of the provisions of Section 501(c) (9) of the Internal Revenue Code.

The Retirement Medical Trust Fund will be administered by the Employee Benefits and Services Division as the plan administrator in accordance with the plan document and applicable law.

Sick Leave Conversion Eligibility - SB LAFCO employees with five (5) or more years of participation in SBCERA are eligible to participate in the Trust. The purchase of additional retirement credit or other retirement service credit and/or participation in other public sector retirement systems may be counted towards the service requirement provided that the employee has not withdrawn their contributions from the system(s) and the employee is also a participant in SBCERA. Employees who wish to receive credit for participation in other public retirement systems must provide the Plan Administrator written evidence of participation and that contributions made to the system(s) have not been withdrawn. [Requests for prior service credit should be made at the time of hire or as soon as possible thereafter but in no event later than one year from the employee's hire date.](#)

Sick Leave Conversion Formula - At separation from SB LAFCO service for reasons other than death, all eligible employees will be required to contribute the cash value of their unused sick leave balances to the Trust, at the rate of 80% of the cash value of the employee's unused sick leave hours, up to a maximum of 1,500 hours.

SB LAFCO Contributions - SB LAFCO will contribute to the Retirement Medical Trust Fund as follows:

Years of Service	Percentage of Base Salary*
5-9 Years	2.00%
10-15 Years	2.75%

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16 or more years	3.75%
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\*For purposes of the RMT contribution, base salary is as defined in the RMT plan document.

Employees who wish to receive credit for participation in other public retirement systems must provide the Plan Administrator written evidence of participation and that contributions made to the system(s) have not been withdrawn. Requests for prior service credit should be made at the time of hire or as soon as possible thereafter but in no event later than one year from the employee's hire date.

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# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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(909) 388-0480 • Fax (909) 388-0481  
lafco@lafco.sbcounty.gov  
www.sbclafco.org

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HEARING DATE: MAY 15, 2024

## RESOLUTION NO. 3403

### A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, AMENDING ITS POLICY AND PROCEDURE MANUAL

On motion of Commissioner \_\_\_\_\_, 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 its Policy and Procedure Manual.

**SECTION 2.** The Local Agency Formation Commission for San Bernardino County therefore determines, resolves and orders that:

1. The following sections of the Policy and Procedure Manual are amended:

#### Section II – Internal Operations, Accounting, and Financial

- Chapter 1: Internal Operations; Policy 6 (*Reserve Policy*)

#### Section III – Human Resources

- Chapter 2: Employment
  2. Compensation; Items B (*Salary Ranges*) and E (*Retention*)
- Chapter 3 (Time Off):
  2. Vacation; Item D (*Conversion of Vacation Leave to Cash*)
  3. Holiday; Item B (*Conversion of Holiday Leave to Cash*)
  4. Other Time Off; Item A (*Bereavement Leave*)
- Chapter 4: Benefits Plan
  2. Medical and Dental Subsidies
  3. Medical and Dental Insurance
  4. Life Insurance; Items E (*Long-Term Disability Insurance*) and G (*Vision Care Insurance*)
  9. Retirement; Item E (*Retirement Medical Trust Fund*)

**RESOLUTION NO. 3403**

2. The amended sections of the Policy and Procedure Manual are 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:**

**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 15, 2024.

**DATED:**

\_\_\_\_\_  
**SAMUEL MARTINEZ**  
Executive Officer

**SECTION II**  
**INTERNAL OPERATIONS, ACCOUNTING, AND FINANCIAL**

**CHAPTER 1: INTERNAL OPERATIONS**

**POLICIES:**

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6. **RESERVE POLICY** *(Adopted April 21, 2011, Amended October 22, 2014, Amended May 20, 2020; May 15, 2024)*

The Commission will require the maintenance of three separate reserves which shall be funded as a part of the annual budget adoption process as follows:

- A. The balance of San Bernardino LAFCO employee compensated absences at February 1 of each fiscal year shall be funded and placed in a committed reserve account in the following fiscal year budget;
- B. Annually the Commission shall set aside a minimum of \$200,000 in an assigned reserve account for payment of potential litigation or other special need; and,
- C. A committed reserve shall set aside funds for future payment of the extra pay period that occurs every tenth year.
- D. Annually, the Commission shall set funds generally equal to the amount of application revenues received the prior fiscal year.

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**SECTION III**  
**HUMAN RESOURCES**

Internal Operating Guidelines consolidated into Human Resources Policies and Procedures – June 16, 2011

Human Resources Policies and Procedures and Benefit Plan incorporated into Policy and Procedure Manual as separate sections – September 28, 2011

Benefit Plan section consolidated into Human Resources Policies and Procedures section as Chapter V – August 19, 2015



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## **CHAPTER 2: EMPLOYMENT**

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### **2. COMPENSATION**

- A. It is the intention of SB LAFCO to provide compensation to its employees based on identified responsibilities, skill levels, performance of responsibilities, educational accomplishments and current comparable wages for the region.

Annual compensation reviews will be conducted to assess the employees' performance of the responsibilities as outlined in their job description. The percentage and/or dollar amount to be allocated for merit increases will be determined in the annual budget process with the Commission by recommendation of the Executive Officer. Special compensation adjustments may be made if necessary.

Bi-annual review of the compensation structures will be conducted and if appropriate, adjustments made to accommodate any necessary changes to the established salary range.

Issues regarding compensation should be addressed to the immediate supervisor, Executive Officer or appointed Human Resources Representative.

- B. SALARY RANGES *(Adopted June 16, 2011; Amended May 16, 2012; 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; May 17, 2023; May 15, 2024):*

The following shall be the salary ranges for LAFCO positions.

Effective July 13, 2024, the following shall be the salary ranges for LAFCO positions (4.5% increase):

Position	Hourly Range
Executive Officer	\$96.80 to \$138.72
Assistant Executive Officer	\$49.05 to \$70.04
Senior Analyst	\$43.62 to \$62.18
Project Manager	\$38.86 to \$55.31
LAFCO Analyst – GIS/Database Manager	\$33.03 to \$47.11

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Clerk to the Commission/Office Manager	\$29.59 to \$41.82
Administrative Assistant	\$24.77 to \$34.82

Effective July 15, 2023, each salary range shall have 16 steps. The spread between steps shall be approximately two and one-half percent (2.5%). The salary schedule shows the hourly rate for each step in the salary range.

**C. SPECIAL ASSIGNMENT COMPENSATION** *(Amended August 19, 2015)*

Increases in pay may be granted to recognize the temporary assignment of additional responsibilities that are significant in nature and beyond the normal scope of the position. No award shall be made in any situation related to a vacation, short-term illness or other relief which is six (6) weeks or less. The duration of such assignments are not intended to exceed one (1) calendar year except in unusual circumstances approved by both the Executive Officer and the Commission or designee. Employees will normally not be in a probationary status. The employee shall be required to meet standards for satisfactory performance.

Compensation shall be awarded in pay period increments and shall be in the form of a specified percentage of the employee's base pay. The Appointing Authority will determine the amount in increments of one-half percent (1/2%) from a minimum of two and one-half percent (2-1/2%) up to a maximum of seven and one-half percent (7-1/2%). The additional compensation will be computed at the specified percentage of the current base pay of the employee for each pay period. Such increases in pay shall not affect an employee's step advancement in the base range pursuant to the Salary Rates and Step Advancements section.

Requests for Special Assignment Compensation may be initiated by the Appointing Authority or an employee via the Appointing Authority. The Appointing Authority and the employee bear mutual responsibility for initiating the compensation request in a timely manner and adhering to the compensation provisions defined in this provision. It is important to obtain Appointing Authority review of the request in advance of the date the employee begins the assignment, since there is no guarantee that the request will be approved. Special Assignment Compensation is to be effective only with the Commission's written approval, assignment of the greater level of duties, and signed acceptance by the employee.

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This provision shall not be utilized to circumvent or provide additional compensation over and above that which may be provided in “Classification” and “Assignment to Vacant Higher Position.”

These aforementioned provisions are mutually exclusive concepts and as such there shall be no dual or multiple requests based on the same facts.

**D. BILINGUAL COMPENSATION**

Upon the approval of the Commission or designee, employees required to perform bilingual translation involving the use of English and a second language (including American Sign Language) as a condition of employment, shall be eligible for bilingual compensation in the amount of forty-five dollars (\$45.00) per pay period. Such compensation shall apply regardless of the total time required per day for such translation. Such employees must be certified as competent in translation skills by the Appointing Authority to be eligible for compensation.

**E. RETENTION** (*Adopted January 27, 2016; Amended May 19, 2021*)

LAFCO employees shall be eligible for retention pay above the base rate of pay, as indicated below, based on total hours of completed continuous service with LAFCO. Retention pay shall be paid on all paid hours up to an employee’s standard hours, and shall not be considered when determining the appropriate rate of pay for a promotion or demotion. For purposes of retention pay only, a year of completed LAFCO service is defined as 2,080 service hours with LAFCO.

Total Completed Service	Compensation
20,800 Continuous Service Hours (10 years)	1.0%
31,200 Continuous Service Hours (15 years)	3.0%

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## **CHAPTER 3: TIME OFF**

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### **2. VACATION**

#### **A. GENERAL *(Amended June 16, 2011)***

SB LAFCO provides paid vacation benefits to all regular full-time and regular part-time employees for the recreation and well being of the employees. Part-time employees accrue paid vacation on a pro-rated basis. Employees will accrue vacation according to continuous years of service. If an employee has exhausted sick leave, vacation leave may be used for sick leave purposes upon a special request of the employee and with the approval of the appointing authority.

#### **B. PRIOR SERVICE TIME *(Adopted May 20, 2009)***

Regular employees hired by SB LAFCO who have been employed by a public or private jurisdiction and wish to have credit for their prior vacation leave recognized by SB LAFCO shall do the following:

- (1) Provide documentation of the number of vacation leave hours from the prior public or private jurisdiction paid in cash to the employee upon their termination.
- (2) Submit payment of the total amount paid at termination for vacation leave to SB LAFCO.

SB LAFCO will then recognize those hours as vacation leave.

#### **C. ACCUMULATION *(Amended June 16, 2011)***

Employees in regular positions scheduled to work eighty (80) hours per pay period shall accrue, on pro-rata basis, vacation leave for completed pay periods. The vacation allowance shall be available for use on the first day following the pay period in which it is earned, provided an employee has worked six pay-periods from the employee's benefit date. Employees in regular positions paid less than 80 hours per pay period shall receive vacation accumulation on a pro-rated basis.

<b>Length of Service from Service Date</b>	<b>Annual Vacation Allowance</b>
After 1,600 and through 8320 service hours	80 Hours

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Over 8,320 and through 18,720 service hours	120 Hours
Over 18,720 service hours	160 Hours

There shall be no limitation on vacation leave accruals until calendar year 2011. Effective pay period 1 of 2011, the maximum vacation leave accrual balance that may be carried over to a future calendar year shall be 480 hours. However, the maximum vacation leave accrual balance that may be carried over into a future calendar year for an employee with a balance of more than 480 hours at the end of calendar year 2010 shall be such employee's vacation leave balance at the end of pay period 26 of calendar year 2010. Thereafter, the employee's maximum vacation accrual balance for those employees with a balance greater than 480 hours at the end of calendar year 2010 shall be adjusted annually at the end of each calendar year and shall never be increased. Any vacation leave accrual balance in excess of the employee's maximum leave accrual balance at the end of the calendar year shall be cashed out and paid in accordance with this section.

Vacation should be taken annually with the approval of the appointing authority at such time as it will not impair the work schedule or efficiency of SB LAFCO but with consideration given to the wellbeing of the employee. The minimum charge against accumulated vacation leave shall be 15 minutes. Vacation leave shall be compensated at the employee's base rate of pay, except as otherwise provided. When a fixed holiday falls within a vacation period, the holiday time shall not be charged against an employee's earned vacation benefits.

An employee whose employment terminates will be paid for accrued, unused vacation hours. Retiring employees may elect to use vacation leave to enhance retirement benefits or be compensated in a lump sum payment for accrued vacation leave.

In cases where an employee terminates employment with SB LAFCO, and has been permitted to take vacation time prior to actual accrual, the final paycheck will reflect a deduction relative to the amount of un-accrued time off taken.

**D. CONVERSION OF VACATION LEAVE TO CASH** *(Amended June 16, 2011; Amended April 18, 2018)*

**(1) Elective Conversion**

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Eligible employees may be approved by the appointing authority to sell back vacation time at the then hourly base rate of the employee. Eligible employees may exercise this option under procedures established by the Executive Officer or designee. In lieu of cash, the employee may designate that part or all of the value of vacation leave be contributed to LAFCO's section 401(k) Defined Contribution Plan or section 457(b) Deferred Compensation Plan.

In order to sell back vacation time prior to termination or retirement, an employee may exercise the following options:

- a. Option 1, Future Accruals - An employee must make an irrevocable election during the month of December specifying the number of hours to be sold back from the next calendar year's vacation time accrual. Such election must be made, in increments of not less than 10 hours and may not exceed 160 hours. All designated hours remaining in the last pay period of the calendar year will automatically be converted into cash in the last pay period of the calendar year.
- b. Option 2, Existing Accruals - Existing accruals may be cashed out in whole hour increments with a minimum cash-out of 10 hours and will be subject to a 10% penalty.

Upon approval of the appointing authority, eligible employees are permitted to sell back vacation time at the then hourly base rate of the employee, in increments of not less than 10 hours and may not exceed 160 hours.

(2) Automatic Conversion

Commencing with calendar year 2011, at the end of the last pay period of the calendar year, an employee shall automatically have any vacation leave accruals in excess of the employee's maximum vacation leave accrual balance converted to cash. Such automatic vacation leave cash out shall be paid in pay period 1 of the next calendar year. At termination of employment, all existing vacation leave accruals shall be converted to cash and paid to the employee.

E. VACATION PRIOR SERVICE CREDIT *(Adopted October 22, 2014)*

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New employees hired into SB LAFCO in regular positions who have been employed by a public jurisdiction or private sector in a comparable position or a position which has prepared such employees for an assignment may receive credit for such previous experience in the former agency(s) in determining their vacation accrual rate. Such determination as to the comparability of previous experience and amount of credit to be granted rests solely with the appointing authority. Requests for prior service credit should be made at the time of hire or as soon as possible thereafter but in no event later than one year from the employee's hire date.

**3. HOLIDAY**

**A. GENERAL** (*Amended June 16, 2011*)

Holiday time off with pay will be granted to all regular full-time and regular part-time employees, immediately upon their start date, for the days designated by SB LAFCO. Employees in regular positions are also entitled to a total of eight hours of floating holiday time annually provided that the employee is not on unpaid leave for the entire pay period and is in paid status for the pay period where the floating holiday time is to accrue. Eight hours floating holiday time shall be accrued during the first pay period prior to the third Monday in January.

Recognized holidays that fall on a Saturday will be observed on the preceding Friday except that when the preceding Friday is also a fixed holiday, the preceding Thursday will be observed as the fixed holiday. Those that fall on a Sunday will be observed on the following Monday except that when the following Monday is also a fixed holiday, the following Tuesday will be observed as the fixed holiday. SB LAFCO reserves the right to change or substitute holidays. Employees will be given notice of any such changes.

Regular full-time and regular part-time employees are eligible for holiday pay immediately upon their start date. Holiday pay will be calculated based on an employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

If a recognized holiday falls during an employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the vacation or sick time off benefit that would otherwise have applied.

In the rare circumstances that a non-exempt employee must work on a recognized holiday, he/she will receive holiday pay plus wages at his/her straight time rate for the hours worked on the holiday. If an exempt employee must work on a recognized holiday, they may reschedule their observance of the holiday to a different (normally worked) date that is mutually acceptable to both the appointing



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authority and employee.

All employees in regular positions are entitled to the following holidays:

<b>January 1</b>	<b>Second Monday in October</b>
<b>Third Monday in January</b>	<b>November 11</b>
<b>Third Monday in February</b>	<b>Thanksgiving Day</b>
<b>Last Monday in May</b>	<b>Day after Thanksgiving</b>
<b>June 19</b>	<b>December 24</b>
<b>July 4</b>	<b>December 25</b>
<b>First Monday in September</b>	<b>December 31</b>

Floating holidays accrued shall be available for use on the first day following the pay period in which they are accrued, with the approval of the appointing authority. Appointing authorities have the right to schedule employees' time off for accrued holidays to meet the needs of the service but with consideration given to the well-being of the employee. Employees in regular positions budgeted less than 80 hours per pay period or job-shared positions shall receive floating holiday accruals on a pro-rata basis.

The maximum holiday leave accrual balance that may be carried over to a future calendar year shall be 112 hours. However, the maximum holiday leave accrual balance that may be carried over into a future calendar year for an employee with a balance of more than 112 hours at the end of calendar year 2010 shall be such employee's holiday leave balance at the end of pay period 26 of calendar year 2010. Thereafter, the employee's maximum holiday accrual balance for those employees with a balance greater than 112 hours at the end of calendar year 2010 shall be adjusted annually at the end of each calendar year, and shall never be increased.

Effective pay period 14 of calendar year 2022, the maximum holiday leave accrual balance will increase to 120 hours. The maximum holiday leave balance that may be carried over to a future calendar year shall be 120 hours. However, employees with a grandfathered balance of more than 120 hours shall carry over their maximum grandfathered accrual balance in accordance with this section.

Any holiday leave accrual balance in excess of the employee's maximum holiday leave accrual balance at the end of the calendar year shall be cashed out and paid in accordance with this section.

When a fixed holiday falls within a vacation period, the holiday time shall not be charged against all employee's earned vacation benefits.

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Whenever an employee is required to work on a fixed holiday or the fixed holiday falls on an employee's regularly scheduled day off, the employee shall accrue, on an hour-for-hour basis, up to a total of eight hours floating holiday time.

When a fixed holiday falls on a Saturday, the previous Friday will be observed as the fixed holiday except that when the preceding Friday is also a fixed holiday, the preceding Thursday will be observed as the fixed holiday. When a fixed holiday falls on a Sunday, the following Monday will be observed as the fixed holiday except that when the following Monday is also a fixed holiday, the following Tuesday will be observed as the fixed holiday.

**B. CONVERSION OF HOLIDAY LEAVE TO CASH** (*Amended April 18, 2018*)

**(1) Elective Conversion**

An employee may sell back holiday time at the base hourly rate of the employee as hereinafter provided, upon approval of the appointing authority. Eligible employees may exercise this option under procedures established by the Executive Officer. In lieu of cash, the employee may designate that part or all of the value of holiday time to be contributed to LAFCO section 401(k) Defined Contribution Plan or section 457(b) Deferred Compensation Plan.

In order to sell back holiday time prior to termination or retirement, an employee may exercise the following options:

- a. Option 1. Future Accruals. An employee must make an irrevocable election during the month of December, specifying the number of hours to be sold back from the next calendar year's holiday time accrual. Such election must be made in increments of not less than eight hours and may not exceed the annual amount to be accrued for the next calendar year. All designated hours remaining in the last pay period of the calendar year will automatically be converted into cash in the last pay period of the calendar year.
- b. Option 2. Existing Accruals. Existing accruals may be cashed out in whole hour increments with a minimum cash out of eight hours and will be subject to a ten percent penalty.

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(2) Automatic Conversion

Commencing with calendar year 2011, at the end of the calendar year, an employee shall automatically have any holiday leave accruals in excess of the employee's maximum holiday leave accrual balance converted to cash. Such automatic holiday leave cash out shall be paid in Pay Period 1 of the next calendar year.

Upon retirement or termination, employees shall be compensated for any unused accrued holiday time at the then current base rate.

**4. OTHER TIME OFF**

A. BEREAVEMENT LEAVE (*Amended June 16, 2011*)

Employees in regular positions may use up to two days paid leave, not charged to the employee's personal leave balances, per occurrence for bereavement due to the death of the employee's family member, as defined in this Section, except for a person "designated" by the employee for sick leave purposes. One additional day shall be granted if the employee travels over 1,000 miles from his/her residence to the bereavement service(s). This additional day shall not be charged to the employee's personal leave balances. The appointing authority may request verification of distance traveled. All employees are entitled to a total of five days of unpaid bereavement leave. The five days of leave shall include paid leave under this Section, and use of sick leave as defined in this Section.

An employee who has been with SB LAFCO for 30 days or more may utilize Bereavement Leave for each occurrence of reproductive loss. Reproductive loss includes failed adoption, failed surrogacy, miscarriage, stillbirth, and unsuccessful assisted reproduction as defined by California Government Code section 12945.6. The leave may be non-consecutive, but must be taken within 3 months of the event as defined by California Government Code section 12945.6(a)(7). If an employee experiences more than one reproductive loss event in a 12-month period, Bereavement Leave for reproductive loss shall not exceed 20 days within a 12-month period.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation such as incentives, commissions, bonuses, overtime, or shift differentials. Regular part-

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time employees will receive paid bereavement leave on a prorated basis.

Due to the death of persons in the immediate or extended family as defined in Section 1 of Chapter 3, employees may also, with their appointing authority's approval, use sick leave as set forth in Section 301 or any available vacation for additional time off as necessary.

Special consideration will also be given to any other person whose association with the employee is similar to any of the above relationships.

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## **CHAPTER 4: BENEFITS PLAN**

*(Benefit Plan Consolidated with Section III - Human Resources Policies and Procedures on August 19, 2015)*

### **1. INTRODUCTION**

#### **A. ADMINISTRATION OF BENEFITS**

San Bernardino LAFCO has contracted with the County of San Bernardino to administer the benefits for SB LAFCO employees equivalent to those provided to County “Exempt” employees. When questions arise, employees will first contact the SB LAFCO payroll person. If additional information is required, employees will contact the Human Resources Employee Benefits and Services Division Chief or designee.

#### **B. BENEFIT PLAN GROUPS**

For the purpose of this Benefits Plan, employees shall be divided into the following groups: *(Amended October 22, 2014; September 16, 2020)*

- (1) Group A. Executive Officer
- (2) Group B. All SB LAFCO Employees not in Groups A or C
- (3) Group C. Employees hired after September 16, 2020, except for the Executive Officer

### **2. MEDICAL AND DENTAL SUBSIDIES** *(Amended August 17, 2005; August 20, 2008; June 16, 2011; August 19, 2015, January 27, 2016; April 18, 2018; May 19, 2021; July 21, 2021; May 15, 2024)*

- A. SB LAFCO has established a Medical Premium Subsidy (MPS) to offset the cost of medical and dental plan premiums charged to eligible employees. The MPS shall be applied first to medical plan premiums and then to dental plan premiums. The applicable MPS amount shall be paid directly to the providers of the County-sponsored medical and dental plan in which the eligible employee has enrolled. In no case, shall the MPS exceed the total cost of the medical and dental insurance premium for the coverage selected.

Effective 5/18/24 the following MPS amounts shall apply:

	Scheduled for	Scheduled for
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	40 to 60 hours	61 to 80 hours
Employee Only	\$155.38	\$310.75
Employee +1	\$249.94	\$499.87
Employee +2	\$351.02	\$702.03

Effective July 13, 2024, the MPS amounts for employees scheduled for 61 to 80 hours, will increase for each tier (i.e., Employee-Only, Employee + 1, Employee + 2) by 100% of the benefit plan year premium increase of the County's Blue Shield Signature HMO. This new MPS amount shall be the new basis for subsequent years. For example, if the 2024/2025 Benefit Plan Year premium for the Employee-Only tier increases by \$20 per pay period, the MPS amount will increase by \$20 per pay period (i.e., 100% of \$20) and the total MPS for the Employee-Only tier will be \$330.75. Employees scheduled for 40 to 60 hours will receive an amount equal to one-half of the MPS for employees scheduled for 61 to 80 hours.

Effective July 12, 2025, the MPS amounts for employees scheduled for 61 to 80 hours, will increase for each tier (i.e., Employee-Only, Employee + 1, Employee + 2) by 100% of the benefit plan year premium increase of the County's Blue Shield Signature HMO. This new MPS amount shall be the new basis for subsequent years.

Employees scheduled for 40 to 60 hours will receive an amount equal to one-half of the MPS for employees scheduled for 61 to 80 hours.

Effective July 11, 2026, the MPS amounts for employees scheduled for 61 to 80 hours, will increase for each tier (i.e., Employee-Only, Employee + 1, Employee + 2) by 100% of the benefit plan year premium increase of the County's Blue Shield Signature HMO. This new MPS amount shall be the new basis for subsequent years.

Employees scheduled for 40 to 60 hours will receive an amount equal to one-half of the MPS for employees scheduled for 61 to 80 hours.

A dental Premium Subsidy (DPS) has been established for all employees who are enrolled in both County-sponsored medical and dental coverage whose premium costs for medical and dental exceeds the Medical Premium Subsidy. The amount of DPS shall be up to nine dollars forty-six cents (\$9.46), but not to exceed the combined total of the employee's out-of-pocket expenses. For example, an employee who selects "employee only" coverage for medical and dental with a combined per pay period premium cost of \$250.79 and receives a per

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pay period MPS of \$243.33 will receive a DPS in the amount of \$7.46 per pay period.

**B. ELIGIBILITY FOR MPS AND DPS WHILE ON LEAVE** (*Adopted August 19, 2015; Amended April 18, 2018*)

- (1) FMLA/CFRA - Employees who are on approved leave, pursuant to FMLA/CFRA law and whose paid hours in a pay period are less than the required number of hours designated by the applicable benefit provision will continue to be enrolled in a County-sponsored medical plan and receive MPS and DPS in accordance with applicable law.
- (2) Pregnancy Disability Leave (PDL) – An employee on an approved pregnancy disability leave is eligible for continuation of MPS and DPS in accordance with PDL, Government Code section 12945.
- (3) Workers' Compensation – Employees who are on an approved leave based on an approved workers' compensation claim shall continue to receive the MPS and DPS for up to a total of twenty (20) pay periods while off work due to that work injury as long as the employee pays his/her portion of the premiums on time. If any subsequent workers' compensation claims occur during the initial twenty (20) pay periods, the remaining MPS eligibility from the original claim shall run concurrent with any additional approved workers' compensation claims that occur during the initial claim. For example, if the employee is receiving the MPS and DPS for twenty (20) pay periods for an injury and after ten (10) pay periods another workers' compensation claim is approved and the employee is eligible to receive the MPS and DPS for an additional twenty (20) pay periods, ten (10) pay periods will run concurrent with the initial claim, for a total of 30 pay periods. Employees who are still on workers' compensation after the expiration of the initial twenty (20) pay periods shall continue to receive MPS and DPS provided the employee is in paid status.
- (4) Short Term Disability – Employees who are on Short-Term Disability (STD) insurance provided by the County or State Disability Insurance (SDI) shall continue to receive the MPS and DPS provided the employee is in paid status.
- (5) Per Episode of Illness or Injury - Employees who are on an approved medical leave of absence and whose paid hours in a



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pay period are less than the required number of hours will continue to receive the benefits of this subsection for up to six pay periods per episode of illness or injury.

**3. MEDICAL AND DENTAL INSURANCE** (Amended August 17, 2005; June 16, 2011; August 19, 2015)

Except as otherwise provided, all eligible employees scheduled to work 40 hours or more per pay period in a regular position must enroll in a medical and dental plan offered by SB LAFCO through the County. Employees who fail to elect medical and dental plan coverage will be automatically enrolled in the medical broad network HMO plan and dental HMO plan with the lowest biweekly minimum premium rates available in the geographical location of the employee's primary residence. Medical and dental plan coverage will become effective on the first day of the pay period following the first pay period in which the employee is scheduled to work forty (40) hours or more and be in paid status.

To continue enrollment in County-sponsored medical and dental plan coverage, a SB LAFCO employee must remain in a regular position scheduled to work for a minimum of 40 hours per pay period and be in paid status or be on approved leave for which continuation of medical and dental coverage is expressly provided for, or be eligible for and have timely paid the premium for COBRA continuation coverage.

Enrollment elections must remain in effect for the remainder of the Plan Year unless an employee experiences an IRS qualifying event.

Eligible employees may elect to enroll dependents upon initial eligibility for medical and dental insurance. Thereafter, newly eligible dependents may be enrolled within sixty (60) days of obtaining dependent status, such as birth, adoption, marriage, or registration of domestic partnership.

Notification of a mid-year qualifying event must be submitted to the SB County Human Resources Employee Benefits and Services Division Chief or designee in accordance with procedures adopted by the County. Employees are responsible for notifying the County within sixty (60) days of dependent's change in eligibility for the County plans.

Dependent(s) must be removed mid-Plan year when a dependent(s) becomes ineligible for coverage under the insurance plan eligibility rules, for example, divorce, over-aged dependent, or termination of domestic partnership.

Premiums for coverage will be automatically deducted from the employee's pay warrant. Failure to pay premiums will result in loss of coverage for the employee and/or the dependents. If the employee does not have sufficient

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earnings to cover the deduction for premiums, the employee must make alternative payment arrangements that are acceptable to the County Employee Benefits and Services Division.

Employees eligible for medical plan coverage who are also enrolled in comparable group medical plan sponsored by another employer or are covered by a spouse, domestic partner, or parent who is also employed with the County may elect to discontinue enrollment in the County-sponsored medical plan (opt-out or waive). Employees scheduled to work 61 to 80 hours per pay period who elect to opt-out or waive the County-sponsored medical plan coverage will be provided bi-weekly amounts as follows:

- A. Employees who elected to opt-out of County-sponsored health plan coverage prior to July 9, 2005 and continue to opt-out will receive the following bi-weekly amounts:

<b>Scheduled for 40 to 60 hours</b>	<b>Scheduled for 61 to 80 hours</b>
\$80.77	\$161.54

- B. Employees who elected to waive health plan coverage to a spouse or domestic partner currently employed by the County prior to July 9, 2005 will receive the following bi-weekly amounts:

<b>Scheduled for 40 to 60 hours</b>	<b>Scheduled for 61 to 80 hours</b>
\$115.00	\$230.00

- C. New opt-outs or waivers (i.e., new employees and current employees who opted-out or waived effective July 9, 2005 and any time thereafter) will receive the following bi-weekly amounts:

<b>Scheduled for 40 to 60 hours</b>	<b>Scheduled for 61 to 80 hours</b>
\$20.00	\$40.00

To receive these amounts, the employee must be in paid status.

Employees eligible for County-sponsored dental plan coverage who are also enrolled in a comparable group dental plan sponsored by another employer or are covered by a spouse, domestic partner, or parent who is also employed with the County may elect to discontinue enrollment in their County-sponsored dental plan.

The rules and procedures for electing to opt-out or waive the County-sponsored medical and dental plan coverage are established and

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administered by the SB County Human Resources Employee Benefits Department and Services Division.

Employees may elect to opt-out or waive the County-sponsored medical and/or dental plan coverage(s) within 60 calendar days of the effective date of gaining other employer group coverage. Proof of initial gain of other group coverage is required at the time that opt-out or waive is elected.

Employees may elect to opt-out or waive the County-sponsored medical and/or dental plan coverage during an annual open enrollment period. All employees who are newly opting-out or waiving during an open enrollment period must provide verification of other employer group coverage.

Except as required at the initial opt-out/waive election, employees are not required to provide verification of continued coverage unless requested by the plan administrator.

Employees who voluntarily or involuntarily lose other employer group health plan coverage must enroll in a County-sponsored medical and/or dental plan within 60 calendar days. Enrollment in the County-sponsored plan will be provided in accordance with the requirements of the applicable plan.

There must be no break in the employee's medical and/or dental plan coverage between the termination date of the other employer group coverage and enrollment in a County-sponsored medical and/or dental plan. Terms and conditions of the applicable plan will determine the required retroactive enrollment period and premiums required to implement coverage. Failure to notify the County of loss of group coverage within 60 calendar days will require the employee to pay insurance premiums retroactively on an after-tax basis.

**4. LIFE INSURANCE**

**A. TERM LIFE INSURANCE** (*Amended June 16, 2011; August 19, 2015; May 19, 2021*)

SB LAFCO will pay the premium for a term life insurance policy, the amount of which is based on the eligible employee's scheduled hours. Employees scheduled from 40 to 60 hours per pay period shall receive \$25,000 in coverage. An employee scheduled from 61 to 80 hours shall receive \$50,000 in coverage. Life insurance will become effective on the first day of the pay is in paid status. For pay periods in which the employee is not in paid status, the employee shall have the option of continuing life insurance coverage at the employee's expense.

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**B. GROUP UNIVERSAL LIFE INSURANCE** (*Amended May 16, 2007; June 16, 2011; August 19, 2015*)

Eligible SB LAFCO employees may purchase, through payroll deductions, group universal life insurance subject to carrier requirements and approval. The benefit levels for such insurance shall be equivalent to no more than three (3) times the employee's annual base earnings. Employees who purchase group universal life insurance shall be provided a SB LAFCO contribution towards the bi-weekly premium based on the following:

**Benefit Group A**

(Executive Officer) = 50% of the premium for benefit level equal to the annual base salary or 100% of the premium for benefit level equal to 50 percent of the annual base salary.

**Benefit Groups B and C**

(All other SB LAFCO employees) = 25% of the premium for benefit level equal to the annual base salary.

**C. VOLUNTARY LIFE INSURANCE** (*Amended August 19, 2015; May 19, 2021*)

In accordance with the procedures established by the County Human Resources Employee Benefits and Services Division, eligible employees may purchase, through payroll deductions, term life insurance subject to carrier requirements.

New employees shall become initially eligible to participate in these programs on the first day of the pay period following the pay period in which the employee is in paid status. Participation will continue as long as premiums are paid timely. If the employee does not have sufficient earnings to cover the deduction for premiums, the employee must make alternative payment arrangements that are acceptable to the Employee Benefits and Services Division.

**D. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE** (*Amended August 19, 2015*)

Eligible employees may purchase amounts of Accidental Death and Dismemberment Insurance coverage for themselves and dependents through payroll deduction. New employees shall become initially eligible to participate in these programs on the first day of the pay period following the first pay period in which the employee is in paid status. Participation will continue as long as premiums are paid timely. If the employee does not have sufficient earnings to cover the

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deduction for premiums, the employee must make alternative payment arrangements that are acceptable to the County Human Resources, Employee Benefits and Services Division. The benefits will be provided subject to carrier requirements, and will be administered by the County Employee Benefits and Services Division.

E. LONG-TERM DISABILITY INSURANCE *(Amended August 19, 2015)*

SB LAFCO will provide employees with long-term disability insurance through the county subject to carrier requirements and approval. The benefit levels are subject to carrier requirements. Integration of leave balances (e.g., sick, vacation, etc.), either partially or fully, are allowed in conjunction with long-term disability benefits.

F. SHORT-TERM DISABILITY INSURANCE *(Amended June 16, 2011; August 19, 2015; April 18, 2018)*

SB LAFCO will provide an employer paid Short-Term Disability Insurance Plan through the County for employees. This benefit shall apply to employees in regular positions who are regularly scheduled to work 40 or more hours per pay period. The Short-Term Disability Insurance Plan benefit coverage shall be governed by the Plan Document that has been approved and adopted by the Board of Supervisors for Exempt Group employees and is subject to carrier requirements and approval. The short-term disability insurance plan benefit coverage shall include a provision for a seven (7) consecutive calendar day waiting period from the first day of disability before benefits begin. Benefits shall be fifty-five percent (55%) of base salary up to a weekly maximum established a formula that incorporates the State of California for the State Disability Insurance fund maximum. Benefit payments terminate when the employee is no longer disabled or upon termination of employment from SB LAFCO, or after receiving 180 days of benefits at which time the employee would be eligible for long-term disability benefits if still medically disabled.

G. VISION CARE INSURANCE *(Amended August 19, 2015)*

SB LAFCO will pay the premiums for vision care insurance for employees who are in paid status and their eligible dependents, subject to carrier requirements the same as provided to County exempt employees.

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9. **RETIREMENT**

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A. SB LAFCO CONTRIBUTIONS (*Amended August 17, 2005; May 16, 2007; June 16, 2011, April 17, 2013; April 18, 2018; May 19, 2021*)

LAFCO shall pay all required employer contributions to the San Bernardino County Employee's Retirement Association (SBCERA).

Any dollars that are remaining after all retirement system obligations are fully satisfied shall be paid to the employee in cash.

Pursuant to the California Public Employees' Pension Reform Act of 2013 (AB 340), SB LAFCO establishes a two-tier system for retirement contribution as follows:

Tier 1 employees are employees with an SBCERA membership date prior to January 1, 2013.

Tier 2 employees are employees with an SBCERA membership date on or after January 1, 2013.

SBCERA membership date is determined based on the following:

- Date of hire as a regular or eligible contract (when applicable) employee, or
- Date of transfer from a non-qualifying position (for example: extra-help, temporary, or part-time) to a regular position that requires membership in SBCERA, or
- Date of entry into membership with another public retirement system with which the employee established reciprocity. Therefore, if the employee enters SBCERA membership under Tier 2, but establishes reciprocity with another public retirement system where the employee was a member prior to January 1, 2013, the employee will be reclassified as a Tier 1 employee.

B. REMAINING EMPLOYEE CONTRIBUTIONS (*Amended April 18, 2018*)

All employee retirement system contribution obligations shall be "picked up" for tax purposes only pursuant to this Section. SB LAFCO shall implement the pickup of such retirement system contribution under Internal Revenue Code Section 414(H) (2).

SB LAFCO shall make member contributions under this section on behalf of the employee, which shall be in lieu of the employee's contributions, and such contributions shall be treated as employer

*San Bernardino LAFCO Policy and Procedure Manual  
Section III – Human Resources Policies and Procedures*

contributions for purposes of reporting and wage withholding under the Internal Revenue Code and the Revenue and Taxation Code. The amounts picked up under this section shall be recouped through offsets against the salary of each employee for whom SB LAFCO picks up member contributions. These offsets are akin to a reduction in salary and shall be made solely for purposes of income tax reporting and withholding. The member contributions picked up by SB LAFCO under this section shall be treated as compensation paid to SB LAFCO employees for all other purposes. SB LAFCO paid employer contributions to the SBCERA under this section shall be paid from the same source of funds as used in paying the salaries of the affected employees. No employee shall have the option to receive the Retirement System contribution amounts directly instead of having them paid to SBCERA.

Until retirement or separation, all contributions picked up under this section will be considered for tax purposes as employer-paid contributions.

Upon retirement or separation, all contributions picked up under this section will be considered for tax purposes as employer-paid contributions. Contributions under this section shall be applied (as all employer or all employee contributions with the same value and restrictions) for Retirement System purposes in the same manner as the contributions under the SB LAFCO Contributions provision above.

**C. SPECIAL PROVISIONS** *(Amended June 16, 2011; April 18, 2018)*

Except as provided below, employees who have 30 years of service credit shall not be paid in cash seven percent (7%) of earnable compensation. Employees with at least 25 years of service as set forth in Government Code Section 31625.3 as of June 18, 2011, and who either already have or thereafter attain 30 years of service credit as set forth in Government Code Section 31625.3 shall have one opportunity during the employee's employment to receive cash payments of seven percent (7%) of earnable compensation for up to twenty-six (26) consecutive pay periods.

Employees who are over age 60 at time of hire, and who are in a regular position, and who choose not to be a member of the Retirement Association, shall be enrolled in the County's 401(k) Salary Savings Plan. SB LAFCO shall contribute the applicable percent of the employee's biweekly salary as defined in this Section to the Plan, and the employee shall contribute a minimum of three percent of biweekly salary to the plan, not to exceed the annual limits of the Plan as defined in the Internal Revenue Code.



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**D. SURVIVOR BENEFITS** *(Amended April 18, 2018)*

Survivor Benefits are payable to employed general retirement members with at least 18 months continuous retirement membership pursuant to Government Code Section 31855.12. An equal, non-refundable employer and employee bi-weekly contribution will be paid to SBCERA as provided in the annual actuarial study.

**E. RETIREMENT MEDICAL TRUST FUND** *(Amended July 18, 2007; Amended August 20, 2008; August 19, 2015; May 19, 2021)*

A Retirement Medical Trust Fund has been established for SB LAFCO employees with five (5) or more years of participation in the San Bernardino County Employees' Retirement Association (SBCERA). The Trust Fund is a Voluntary Employees Benefit Association (VEBA) and will comply with all of the provisions of Section 501(c) (9) of the Internal Revenue Code.

The Retirement Medical Trust Fund will be administered by the Employee Benefits and Services Division as the plan administrator in accordance with the plan document and applicable law.

**Sick Leave Conversion Eligibility** - SB LAFCO employees with five (5) or more years of participation in SBCERA are eligible to participate in the Trust. The purchase of additional retirement credit or other retirement service credit and/or participation in other public sector retirement systems may be counted towards the service requirement provided that the employee has not withdrawn their contributions from the system(s) and the employee is also a participant in SBCERA. Employees who wish to receive credit for participation in other public retirement systems must provide the Plan Administrator written evidence of participation and that contributions made to the system(s) have not been withdrawn. Requests for prior service credit should be made at the time of hire or as soon as possible thereafter but in no event later than one year from the employee's hire date.

**Sick Leave Conversion Formula** - At separation from SB LAFCO service for reasons other than death, all eligible employees will be required to contribute the cash value of their unused sick leave balances to the Trust, at the rate of 80% of the cash value of the employee's unused sick leave hours, up to a maximum of 1,500 hours.

**SB LAFCO Contributions** - SB LAFCO will contribute to the Retirement Medical Trust Fund as follows:

Years of Service	Percentage of Base Salary*
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5-9 Years	2.00%
10-15 Years	2.75%
16 or more years	3.75%

\*For purposes of the RMT contribution, base salary is as defined in the RMT plan document.


Employees who wish to receive credit for participation in other public retirement systems must provide the Plan Administrator written evidence of participation and that contributions made to the system(s) have not been withdrawn. Requests for prior service credit should be made at the time of hire or as soon as possible thereafter but in no event later than one year from the employee's hire date.

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# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 8, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #16 – REVIEW AND ADOPTION OF SCHEDULE OF FEES, DEPOSITS, AND CHARGES EFFECTIVE JULY 1, 2024**

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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, 2024.
3. Adopt LAFCO Resolution No. 3404 reflecting the Commission's determinations related to the Schedule.

## **BACKGROUND:**

At the April 17 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 18, 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 10. As of the date of this report, no comments have been received. However, if staff receive 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, 2024, 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. 3404](#)

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

## **SCHEDULE OF FEES, DEPOSITS, AND CHARGES EFFECTIVE JULY 1, 2024**

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	\$ 7,337	\$ 9,783	\$ 12,229	\$ 12,229 plus \$1 per acre over 300 acres
District	\$ 6,114	\$ 7,950	\$ 9,783	\$ 9,783 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	\$ 7,337	\$ 9,783	\$ 12,229	\$ 12,229 plus \$1 per acre over 1,920 acres
District	\$ 6,114	\$ 7,950	\$ 9,783	\$ 9,783 plus \$1 per acre over 1,920 acres

Sphere of Influence Amendment	\$ 6,114	\$4,000	\$ 10,114
District: Dissolution, Merger, or Establishment of Subsidiary District(s)	\$ 6,114	\$4,000	\$ 10,114
District: Formation or Consolidation	\$ 18,343	\$4,000	\$ 22,343
District: Activation/Divestiture of Functions and/or Services	\$ 9,172 each function/service	\$4,000	\$ 13,172
City: Consolidation	\$ 24,458	\$4,000	\$ 28,458
City: Incorporation or Disincorporation	\$ 24,458	\$54,000	\$ 78,458
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, 2024

**\*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>	<b>Actual Cost</b>
<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	<b>Additional \$15,000</b>
Preparation of an Environmental Impact Report (EIR)	<b>Additional \$25,000</b>
<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  
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July 1, 2024

<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**

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

When notified by LAFCO staff, please make check payable to the State Board of Equalization and reference Tax Area Services Section, MIC:59.

(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	\$ 6,114	\$2,400	\$ 8,514
Contracts involving the development of units requiring only a parcel map as defined by the Subdivision Map Act (up to four units)	\$ 1,223 per Connection	\$2,400	\$ 3,623 to \$7,292
Any contract for fire protection services outside a public agency's jurisdictional boundaries pursuant to Govt. Code Section 56134	\$ 6,114	\$2,400	\$ 8,514
Contracts to provide services outside a sphere of influence pursuant to Govt. Code Section 56133.5	\$ 1,223	\$2,400	\$ 3,623
Contract Requiring Approval pursuant to Govt. Code Section 56133 (c)	\$ 1,223	\$2,400	\$ 3,623
Development-Related Request for Exemption from Govt. Code Section 56133, requires noticed Commission hearing	\$ 2,750	\$0	\$ 2,750
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	\$ 634	\$0	\$ 634

#### \*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*  
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*July 1, 2024*

<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 8, 2024

**FROM:** SAMUEL MARTINEZ, Executive Officer 

**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

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HEARING DATE: MAY 15, 2024

## RESOLUTION NO. 3404

### 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 2023-24.

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 17, 2023; 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. 3404**

**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, 2024.

**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 )



**RESOLUTION NO. 3404**

**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 15, 2024.**

**DATED:**


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**SAMUEL MARTINEZ**  
**Executive Officer**

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 8, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #17 – REVIEW AND ADOPTION OF FINAL BUDGET  
FOR FISCAL YEAR 2024-25**

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## **RECOMMENDATION:**

Staff recommends that the Commission take the following actions:

1. Adopt the Fiscal Year 2024-25 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 April 17 hearing through adoption of the Proposed Budget for Fiscal Year 2024-25. The Proposed Budget included an outline of the anticipated expenditures, revenues, and reserves, and policy items for Commission consideration such as: payment of step increases, retention pay and retirement costs, and a 4.5% Cost-of-Living Adjustment (COLA).

On April 18, 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 April 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.

In conclusion, LAFCO staff has provided copies of the Final Budget Spreadsheet recommended for adoption (Attachment #1 to this report). The apportionment for the County, Cities/Towns and Special Districts for Fiscal Year 2024-25 to be billed as of July 1, 2024 is included as Attachment #2. Also attached are the detailed spreadsheets for Salaries and Benefits (Attachment #3), Services and Supplies (Attachment #4), and Revenues (Attachment #5).

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 20/21	ACTUAL YEAR-END FY 21/22	ACTUAL YEAR-END FY 22/23	ESTIMATED YEAR-END FY 23/24	YEAR 1 FINAL FY 24/25	YEAR 2 FORECAST FY 25/26	YEAR 3 FORECAST FY 26/27
	<b>Salaries and Benefits:</b>							
1010	Earnable Compensation	437,456	426,130	440,201	481,038	529,170	523,610	546,864
1030	Auto and Cell Phone Allowances	9,450	9,100	9,132	9,115	9,275	9,275	9,275
1045	Termination Payment	1,839	-	-	-	-	-	-
1110	General Member Retirement	155,303	170,502	153,414	144,924	146,892	143,002	149,151
1130	Survivors Benefits	140	95	91	92	101	95	95
1200	Medical Premium Subsidy	44,613	43,461	46,308	48,935	60,784	65,968	67,947
1205	Long-Term Disability	945	980	996	1,196	1,515	1,511	1,578
1207	Vision Care Insurance	603	621	601	596	674	635	635
1215	Dental Insurance Subsidy	891	738	940	948	1,112	1,047	1,047
1222	Short-Term Disability	4,743	4,906	4,978	5,132	5,817	5,768	6,019
1225	Medicare	5,127	5,152	5,154	5,624	6,683	7,553	7,889
1240	Life Insurance & Medical Trust Fund	9,238	12,969	13,925	14,978	16,483	14,743	15,268
1305	Medical Reimbursement Plan	2,859	2,474	2,488	3,543	3,962	4,162	4,162
1314	457/401a Contribution	2,849	2,935	2,977	3,215	3,551	3,575	3,718
1315	401k Contribution	30,506	27,835	32,756	34,920	38,991	37,250	38,876
<b>Total Salaries and Benefits</b>		<b>\$ 706,562</b>	<b>\$ 707,898</b>	<b>\$ 713,961</b>	<b>\$ 754,254</b>	<b>\$ 825,010</b>	<b>\$ 818,195</b>	<b>\$ 852,525</b>
	<b>Services and Supplies:</b>							
2031	Payroll System Services (County IT)	694	707	655	673	756	779	802
2032	Virtual Private Network (County IT)	350	158	165	195	129	132	136
2033	Network Labor Services (County IT)	1,006	-	-	-	-	-	-
2037	Dial Tone (County IT)	3,061	2,975	2,721	2,633	2,955	3,044	3,135
2041	Data Line	8,552	8,226	8,144	8,672	8,400	8,652	8,912
2075	Membership Dues	12,144	12,316	12,921	19,256	14,224	14,651	15,090
2076	Tuition Reimbursement	999	999	-	833	2,000	2,060	2,122
2080	Publications	3,483	2,942	3,734	3,685	4,064	4,186	4,311
2085	Legal Notices	18,240	6,018	6,206	17,218	23,500	24,205	24,931
2090	Building Expense	7,260	7,362	9,425	11,972	8,923	9,191	9,466
2115	Software	4,933	1,948	3,058	9,230	3,591	3,699	3,810
2180	Electricity	4,335	4,878	5,941	7,061	7,800	8,034	8,275
2245	Other Insurance	14,561	12,637	12,523	21,486	19,265	19,843	20,438
2305	General Office Expense	9,359	1,787	5,588	6,624	2,260	2,328	2,398
2308	Credit Card Clearing Account	79	(323)	679	(390)	-	-	-
2310	Mail (County Mail)	5,792	6,166	5,290	7,230	8,344	8,594	8,852
2315	Records Storage	837	772	1,107	1,192	1,680	1,730	1,782
2322	Enterprise Printing (County IT)	90	95	98	69	72	74	76
2323	Reproduction Services	560	174	283	468	500	515	530

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 20/21	ACTUAL YEAR-END FY 21/22	ACTUAL YEAR-END FY 22/23	ESTIMATED YEAR-END FY 23/24	YEAR 1 FINAL FY 24/25	YEAR 2 FORECAST FY 25/26	YEAR 3 FORECAST FY 26/27
2335	Temporary Services	2,487	240	2,480	9,393	-	-	-
2400	Legal Counsel	34,148	137,746	53,938	35,363	37,500	38,625	39,784
2405	Auditing	8,445	10,620	8,450	5,030	11,708	12,059	12,421
2410	IT Infrastructure (County IT)	9,673	6,671	6,839	7,827	9,010	9,280	9,559
2414	Application Dev. & Maint. (County IT)			8,075	3,365	-	-	-
2415	Countywide Cost Allocation Program	4,581	3,454	-	-	5,981	6,160	6,345
2416	Enterprise Printing (County IT)	-	3	-	-	-	-	-
2417	Inactive Account (County IT)	1,886	1,844	-	-	-	-	-
2418	Data Storage Services (County IT)	4,842	4,117	-	-	-	-	-
2420	Enterprise Content Management (County IT)	211	211	4,986	4,034	2,024	2,085	2,148
2421	Desktop Support Services (County IT)	11,994	12,830	9,477	8,933	7,642	7,872	8,108
2424	Environmental Consultant	15,474	15,906	14,445	8,164	10,950	11,279	11,617
2444	Security Services	642	492	692	574	492	507	522
2445	Other Professional Services	39,509	45,253	138,592	66,660	82,981	85,471	78,587
2449	Outside Legal (Litigation & Special Counsel)	275	35	3,063	878	10,000	12,868	13,254
2450	Systems Development Charges (County IT)		5,823	-	1,078	1,294	1,333	1,373
2460	Aerial Imagery (County IT)	3,000	3,000	3,000	1,250	3,000	3,090	3,183
2895	Rent/Lease Equipment (copier)	1,786	5,257	4,737	4,665	5,400	5,562	5,729
2905	Office/Hearing Chamber Rental	93,535	101,369	60,462	70,185	64,142	66,066	68,048
2940	Private Mileage	-	953	4,866	6,657	7,428	7,651	7,881
2941	Conference/Training	375	-	7,989	8,640	8,680	8,940	9,209
2942	Hotel	-	-	5,582	11,612	11,297	11,636	11,985
2943	Meals	-	-	318	851	1,050	1,082	1,114
2944	Car Rental	-	-	337	1,062	-	-	-
2945	Air Travel	-	-	595	1,485	800	824	849
2946	Other Travel	-	-	377	702	300	309	318
5012	Transfer to County (Staples & Microsoft)	1,227	3,671	4,275	3,729	8,697	8,958	9,227
<b>Total Services and Supplies</b>		<b>\$ 330,425</b>	<b>\$ 429,335</b>	<b>\$ 422,113</b>	<b>\$ 380,245</b>	<b>\$ 398,839</b>	<b>\$ 413,372</b>	<b>\$ 416,325</b>
<b>TOTAL EXPENDITURES</b>		<b>\$ 1,036,987</b>	<b>\$ 1,137,233</b>	<b>\$ 1,136,074</b>	<b>\$ 1,134,499</b>	<b>\$ 1,223,849</b>	<b>\$ 1,231,567</b>	<b>\$ 1,268,850</b>
<b>Trust Transfers:</b>								
9990	SBCERA Additional Payment	43,852	50,163	50,000	52,500	54,968	57,716	60,602
<b>TOTAL APPROPRIATION</b>		<b>\$ 1,080,839</b>	<b>\$ 1,187,396</b>	<b>\$ 1,186,074</b>	<b>\$ 1,186,999</b>	<b>\$ 1,278,816</b>	<b>\$ 1,289,283</b>	<b>\$ 1,329,452</b>

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 20/21	ACTUAL YEAR-END FY 21/22	ACTUAL YEAR-END FY 22/23	ESTIMATED YEAR-END FY 23/24		YEAR 1 FINAL FY 24/25	YEAR 2 FORECAST FY 25/26	YEAR 3 FORECAST FY 26/27
	<b>RESERVES</b>								
6000	Contingency (Assigned)	18,600	25,000	30,000	35,000		40,000	45,000	50,000
6010	Application (Assigned) <b>*NEW*</b>	-	-	-	-		110,000	110,000	110,000
6025	General (Assigned)	150,000	175,000	200,000	225,000		235,000	245,000	250,000
6030	Compensated Absences (Committed)	142,623	152,095	157,095	167,095		182,562	187,562	192,562
6035	Salary for Extra Pay Period (Committed)	-	3,000	6,000	9,000		12,000	15,000	18,000
<b>TOTAL RESERVES (Increases)</b>		<b>\$ 311,223</b>	<b>\$ 355,095</b>	<b>\$ 393,095</b>	<b>\$ 436,095</b>		<b>\$ 579,562</b>	<b>\$ 602,562</b>	<b>\$ 620,562</b>

## Attachment #1

## Budget Spreadsheets

ACCT #	ACCOUNT NAME	ACTUAL YEAR-END FY 20/21	ACTUAL YEAR-END FY 21/22	ACTUAL YEAR-END FY 22/23	ESTIMATED YEAR-END FY 23/24	YEAR 1 FINAL FY 24/25	YEAR 2 FORECAST FY 25/26	YEAR 3 FORECAST FY 26/27
	<b>Beginning Balance:</b>							
6010	Application Reserve (Assigned)		96,575	43,469	-	110,000	110,000	110,000
	<b>Total Carryover</b>	<b>-</b>	<b>96,575</b>	<b>43,469</b>	<b>-</b>	<b>110,000</b>	<b>110,000</b>	<b>110,000</b>
	<b>County Treasury:</b>							
8500	Interest and Investments	7,512	6,288	13,634	20,698	15,000	15,000	15,000
9984	Interest Adjustment			16,582	20,258	15,000	15,000	15,000
8842	Apportionment	1,120,497	1,090,497	1,090,497	1,172,283	1,172,283	1,172,283	1,207,451
	<b>Total County Treasury</b>	<b>1,128,009</b>	<b>1,096,785</b>	<b>1,120,713</b>	<b>1,213,239</b>	<b>1,202,283</b>	<b>1,202,283</b>	<b>1,237,451</b>
	<b>Applications:</b>							
9545	Individual Notice Deposit	6,032	12,060	13,797	12,275			
9555	Legal Services Deposit	15,650	14,300	14,377	15,600			
9595	Protest Hearing Deposit	10,595	1,500	-	4,600			
9655	Digital Mapping Fee	4,760	740	-	880			
9660	Environmental Deposits	11,328	4,282	11,700	18,021			
9800	LAFCO Fee	48,278	75,459	58,600	80,371			
	<b>Total Applications</b>	<b>96,643</b>	<b>108,341</b>	<b>98,474</b>	<b>131,746</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>Other:</b>							
9560	Indemnification Recovery	-	-	-	-	-	-	-
9910	Prior Year Activity (refunds, collections)		(15,421)	(9,443)	-	-	-	-
9930	Miscellaneous	158	33,968	109,758	37,250	-	-	-
9973	Stale-dated Checks	60		725	-	-	-	-
	<b>Total Other</b>	<b>218</b>	<b>18,547</b>	<b>101,040</b>	<b>37,250</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>TOTAL REVENUES</b>	<b>\$ 1,224,870</b>	<b>\$ 1,320,247</b>	<b>\$ 1,363,696</b>	<b>\$ 1,382,236</b>	<b>\$ 1,312,283</b>	<b>\$ 1,312,283</b>	<b>\$ 1,347,451</b>



**LAFCO Cost Allocation  
County of San Bernardino Allocation  
PY 2024-2025**

	<b>Amount</b>	<b>Percentage of Total Cost</b>
<b>County of San Bernardino</b>		
Total LAFCO Cost	\$ 1,172,283.00	100.00%
County of San Bernardino Allocation (1/3)*	\$ 390,761.00	33.33%
<b>Total San Bernardino County Allocation</b>	<b>\$ 390,761.00</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 2024-25 is \$1,172,283.00 (by letter dated March 7, 2024)

**LAFCO Cost Allocation  
Cities Allocation  
PY 2024-2025**

City	Total Revenues FY 21-22	LAFCO Allocation	Allocation Percentage
Adelanto	\$ 21,460,508.00	\$ 2,180.50	0.56%
Apple Valley	\$ 99,387,272.00	\$ 10,098.26	2.58%
Barstow	\$ 53,682,795.00 *	\$ 5,454.45	1.40%
Big Bear Lake	\$ 63,921,283.00 *	\$ 6,494.70	1.66%
Chino	\$ 272,353,376.00	\$ 27,672.50	7.08%
Chino Hills	\$ 114,099,087.00	\$ 11,593.05	2.97%
Colton	\$ 148,090,632.00	\$ 15,046.77	3.85%
Fontana	\$ 334,726,591.00 *	\$ 34,009.94	8.70%
Grand Terrace	\$ 10,295,402.00	\$ 1,046.07	0.27%
Hesperia	\$ 103,229,722.00 *	\$ 10,488.67	2.68%
Highland	\$ 43,336,868.00	\$ 4,403.25	1.13%
Loma Linda	\$ 47,061,622.00	\$ 4,781.70	1.22%
Montclair	\$ 69,149,857.00	\$ 7,025.98	1.80%
Needles	\$ 47,856,801.00	\$ 4,862.50	1.24%
Ontario	\$ 720,511,972.00	\$ 73,207.71	18.73%
Rancho Cucamonga	\$ 270,590,537.00 *	\$ 27,493.38	7.04%
Redlands	\$ 249,099,739.00	\$ 25,309.81	6.48%
Rialto	\$ 247,572,659.00	\$ 25,154.65	6.44%
San Bernardino	\$ 375,496,838.00	\$ 38,152.40	9.76%
Twentynine Palms	\$ 25,468,977.00	\$ 2,587.78	0.66%
Upland	\$ 134,564,041.00	\$ 13,672.40	3.50%
Victorville	\$ 314,016,969.00 *	\$ 31,905.73	8.17%
Yucaipa	\$ 49,865,058.00	\$ 5,066.55	1.30%
Yucca Valley	\$ 30,040,321.00	\$ 3,052.25	0.78%
	<b>\$ 3,845,878,927.00</b>	<b>\$ 390,761.00</b>	<b>100.00%</b>

Allocation is based on Cities revenues extracted from Fiscal Year 2021-22 tables published on the State Controller's website ([www.sco.ca.gov](http://www.sco.ca.gov)).

\* 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)

**LAFCO Cost Allocation  
Special Districts Allocation  
PY 2024-2025**

District Name	Total Revenues*	LAFCO Cost	Allocation
	FY 21-22	Allocation	Percentage
Apple Valley Fire Protection	\$ 14,380,893.00	\$ 10,000.00	2.56%
Apple Valley Foothill County Water	\$ 333,267.00	\$ 262.64	0.07%
Apple Valley Heights County Water	\$ 387,173.00	\$ 305.12	0.08%
Arrowbear Park County Water	\$ 1,474,580.00	\$ 1,162.06	0.30%
Baker Community Services	\$ 666,168.00	\$ 524.98	0.13%
Barstow Cemetery	\$ 984,786.00	\$ 776.07	0.20%
Barstow Heights Community Services	\$ 81,370.00	\$ 64.12	0.02%
Bear Valley Community Healthcare	\$ (2,278,906.00)	\$ -	0.00%
Big Bear Airport	\$ 2,527,080.00	\$ 1,991.50	0.51%
Big Bear City Community Services	\$ 17,630,792.00	\$ 10,000.00	2.56%
Big Bear Municipal Water	\$ 6,244,167.00	\$ 10,000.00	2.56%
Big River Community Services	\$ 136,564.00	\$ 107.62	0.03%
Bighorn-Desert View Water Agency	\$ 2,502,985.00	\$ 1,972.51	0.50%
Chino Basin Water Conservation	\$ 3,757,499.00	\$ 2,961.15	0.76%
Chino Valley Independent Fire	\$ 57,463,127.00	\$ 30,000.00	7.68%
Crestline Lake Arrowhead Water Agency	\$ 9,698,100.00	\$ 10,000.00	2.56%
Crestline Sanitation District	\$ 4,905,894.00	\$ 3,866.17	0.99%
Crestline Village Water	\$ 3,824,919.00	\$ 3,014.28	0.77%
Cucamonga Valley Water District	\$ 105,294,466.00	\$ 30,000.00	7.68%
Daggett Community Services	\$ 318,343.00	\$ 250.87	0.06%
East Valley Water	\$ 44,032,398.00	\$ 20,000.00	5.12%
Helendale Community Services District	\$ 6,544,298.00	\$ 10,000.00	2.56%
Hesperia Recreation and Park	\$ 10,072,271.00	\$ 10,000.00	2.56%
Hi-Desert Memorial Healthcare District	\$ 14,913,644.00	\$ 1,500.00	0.38%
Hi-Desert Water District	\$ 21,334,963.00	\$ 20,000.00	5.12%
Inland Empire Resource Conservation	\$ 2,835,782.00	\$ 2,234.78	0.57%
Inland Empire Utilities Agency	\$ 246,437,788.00	\$ 30,000.00	7.68%
Joshua Basin Water	\$ 10,109,361.00	\$ 10,000.00	2.56%
Juniper-Riviera County Water	\$ 385,667.00	\$ 303.93	0.08%
Lake Arrowhead Community Services	\$ 19,930,429.00	\$ 10,000.00	2.56%
Mariana Ranchos County Water	\$ 683,605.00	\$ 538.72	0.14%
Mojave Desert Resource Conservation	\$ 150,736.00	\$ 118.79	0.03%
Mojave Water Agency	\$ 80,887,587.00	\$ 30,000.00	7.68%
Monte Vista Water	\$ 34,188,090.00	\$ 20,000.00	5.12%
Morongo Valley Community Services	\$ 1,199,144.00	\$ 945.00	0.24%
Newberry Community Services	\$ 256,223.00	\$ 201.92	0.05%
Phelan Pinon Hills Community Services District	\$ 11,483,232.00	\$ 10,000.00	2.56%
Rim of the World Recreation and Park	\$ 1,279,054.00	\$ 1,007.98	0.26%
Running Springs Water	\$ 8,442,139.00	\$ 10,000.00	2.56%
San Bernardino Mountains Community Hospital	\$ (2,591,782.00)	\$ -	0.00%
San Bernardino Valley Municipal Water	\$ 119,413,066.00	\$ 30,000.00	7.68%
San Bernardino Valley Water Conservation	\$ 3,273,698.00	\$ 2,579.88	0.66%
Thunderbird County Water	\$ 242,456.00	\$ 191.07	0.05%
Twentynine Palms Cemetery	\$ 310,307.00	\$ 244.54	0.06%
Twentynine Palms Water District	\$ 6,545,689.00	\$ 10,000.00	2.56%
West Valley Mosquito and Vector Control	\$ 3,603,927.00	\$ 2,840.12	0.73%
West Valley Water District	\$ 34,395,518.00	\$ 20,000.00	5.12%
Wrightwood Community Services District	\$ 510,062.00	\$ 401.96	0.10%
Yermo Community Services	\$ 197,015.00	\$ 155.26	0.04%
Yucaipa Valley Water	\$ 29,061,041.00	\$ 20,000.00	5.12%
Yucca Valley Airport	\$ 301,957.00	\$ 237.96	0.06%
<b>Totals</b>	<b>\$ 940,762,632.00</b>	<b>\$ 390,761.00</b>	<b>100.00%</b>

All data in this worksheet are extracted from Fiscal Year 2021-22 Special Districts revenues published on the State Controller's website.

Exception: Data used for Bear Valley Community Healthcare and San Bernardino Mountains Community Hospital is 'Net from Operations' from FY 2021-22, published by the Office of Statewide Health Planning and Development

- On March 28, 1995, Hi-Desert Memorial Hospital's name was changed to Hi-Desert Memorial Healthcare District.
- By the Resolution No. 2003-10-8, Cucamonga County Water District name changed to Cucamonga Valley Water District.
- Effective July 15, 2015, Hi-Desert Memorial Healthcare District, DBA Morongo Basin Healthcare District, has no longer operates a hospital as it leased operations to Tenet Healthcare Corporation.
- Effective July 1, 2017, the Wrightwood Community Services District is subject to LAFCO apportionment after its formation from CSA 56, LAFCO Resolution No. 3235.

## Attachment #3

## Salaries and Benefits Detail

Account		Charge Measurement	Rate Inc/Dec	Total
1010	<b>Earnable Compensation</b>	Per Salary Schedule	Increasing 5.5%	\$ 529,170
	<i>Includes step increases (3 employees), 3% longevity pay for those with 15 yrs (3 employees), leave cashouts, 4.5% 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 30.19% to 28.34%	Decreasing 6.1%	\$ 146,892
		Tier 2: Decrease from 25.32% to 23.16%	Decreasing 8.5%	
	<i>Contributions to retirement plan. Per SBCERA and Retirement Board adopted rates.</i>			
1130	<b>Survivors Benefits</b>	\$0.90 per pay period per employee	Decreasing 2.2%	\$ 101
	<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>	\$702.02 per period (employee +2): 2 employees	Increasing 4.6%	\$ 60,784
		\$499.87 per period (employee +1): 0 employees	Increasing 4.5%	
		\$310.75 per period (employee +0): 2 employees	Increasing 2.3%	
	<i>A subsidy is provided to offset employee medical premiums.</i>			
1205	<b>Long-Term Disability</b>	0.24% of Base Pay	Increasing 25%	\$ 1,515
	<i>Long-term disability insurance.</i>			
1207	<b>Vision Insurance</b>	\$5.99 per employee per period	--	\$ 674
	<i>Vision insurance.</i>			
1215	<b>Dental Insurance Subsidy</b>	\$9.46 per employee per period	Increasing 4.4%	\$ 1,112
	<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)	--	\$ 5,817
		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>	1.5% of Earnable Compensation	Increasing 6.2%	\$ 6,683
	<i>Contribution to Social Security Medicare for those entering after 1985 (4 employees).</i>			
1240	<b>Life Insurance &amp; Med Trust Fund</b>	Life Insurance (\$1.69 per employee per period)	Increasing 3.5%	\$ 16,483
		Variable Life Insurance (\$1,423 for 2 employees)	--	
		Retirement Medical Trust Fund (\$14,863 for 3 employees)	Increasing 5.0%	
	(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).			
1305	<b>Medical Reimbursement Plan</b>	Medical Reimbursement (up to \$40 per employee/period)	--	\$ 3,962
		Healthy Lifestyles (gym, \$324 per employee - 3)	--	
1314	<b>457/401a Contribution</b>	1% match for Executive Officer, 0.5% for all others	--	\$ 3,551
	<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	<b>401k Contribution</b>	8% match for Group A & B, 6% match for Group C	--	\$ 38,991
	<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>				\$ 825,010

## Attachment #4

## Services and Supplies Detail

Act. #	Account Name	Charge Measurement	Increase/Decrease	Total
2031	<b>Payroll System Services (County IT)</b>	Average of \$29 per pay period (26)	Increase of 7.7%	\$ 756.08
	<i>Maintenance, support, and enhancements for County's payroll system and infrastructure.</i>			
2032	<b>Virtual Private Network (County IT)</b>	\$2.68 per month per user (4 users)	Decrease of 28.2%	\$ 128.64
	<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>	\$30.78 per line (8) per month	Increase of 10.2%	\$ 2,954.88
	<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>			
2075	<b>Membership Dues</b>	CSDA: \$1,715	Increasing 5.0%	\$ 14,224.00
		CALAFCO: \$12,509	Increasing 2.4%	
	<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	--	\$ 4,063.64
		CA Annotated Code Books: \$330/month	Increasing 4.5%	
	<i>Purchase or subscription to professional publications related to LAFCO study areas.</i>			
2085	<b>Legal Notices</b>	General paper: \$1,000 per hearing (9 meetings)	--	\$ 23,500.00
		Local Paper: \$1,000 per hearing (9 meetings)	--	
		Vacancy notices: \$1,500 each (3 notice)	--	
		Protest hearing: \$1,000 per hearing (1 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>	Janitorial: \$614 per month	Increasing 4.5%	\$ 8,922.96
		HVAC maintenance (\$389 per month)	Increasing 4.5%	
	<i>Ongoing maintenance of the staff office.</i>			
2115	<b>Software</b>	Laserfische archiving: \$3,000 annual	--	\$ 3,591.00
		Adobe license for office, annual, (\$351)	--	
		Vimeo subscription for digital archive of meetings (\$240/yr)		
	<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>			
2180	<b>Electricity</b>	\$650 per month	Decreasing 3.5%	\$ 7,800.00
	<i>LAFCO is responsible for electricity payments while located at the train depot.</i>			
2245	<b>Other Insurance</b>	Annual Insurance (\$13,765)	Increasing 4.5%	\$ 19,265.00
		Workers' Compensation (\$5,500)	--	
	<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)	--	\$ 2,260.00
		Paper shredding: \$120	--	
		Zoom subscription for meetings (\$20 per month)	--	
		New computer for new clerk	--	
		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>Mail (County Mail)</b>	Months with meetings (9): \$500 per month	Increasing 6.2%	\$ 8,343.60
		Months with no meetings (3): \$300 per month	Increasing 6.2%	
		Mail delivery: \$11.15 per stop (22 per month)	--	

## Attachment #4

## Services and Supplies Detail

Act. #	Account Name	Charge Measurement	Increase/Decrease	Total
	<i>On avg. USPS rates increasing 10%. Each year, staff utilizes more digital delivery over paper mail, which generally offsets rate increases.</i>			
2315	<b>Records Storage</b>	\$140 per month	--	\$ 1,680.00
	<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>	\$6.00 per month	Decreasing 19%	\$ 72.00
	<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>	No activity	--	\$ -
	<i>Use of temporary services for clerical support.</i>			
2400	<b>Legal Counsel</b>			\$ 37,500.00
		Months with meetings (9): \$4,000 per month	Increasing 4.7%	
		Months with no meetings (3): \$1,500 per month	Increasing 4.7%	
		Continuing legal matter	Decreasing 50%	
	<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: \$2,392	Decreasing 21%	\$ 11,708.00
		Independent auditor: \$9,316	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>	\$125.14 per month per user for network access	Increase of 24.7%	\$ 9,010.08
	<i>Support of computer/server systems, email, wide area network, internet access, IT security, virus protection, help desk, and data center.</i>			
2414	<b>Application Dev. &amp; Maint. (County IT)</b>			\$ -
	<i>County IT work on LAFCO and County applications and software</i>			
2415	<b>Countywide Cost Allocation Program</b>	Per the County COWCAP publication	Prior year \$0	\$ 5,981.00
	<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>Inactive Account (County IT)</b>	Activity transferred to Account 2420		\$ -
2418	<b>Data Storage Services (County IT)</b>	Activity transferred to Account 2420		\$ -
2420	<b>Enterprise Content Management (County IT)</b>		--	\$ 2,024.40
	<i>Data Storage &amp; backup (enterprise storage, backup &amp; recovery)</i>	\$18.34 per user/mo		
	<i>File Sharing Storage (File sharing services, backup &amp; recovery)</i>	\$37.17 per unit of storage/mo (2 units)		
	<i>Wireless Device Access (mobile access to County email)</i>	\$5.25 per user/mo (4 users)		
2421	<b>Desktop Support Services (County IT)</b>	\$90.98 per month, per computer (7 computers)	Decreasing 2.6%	\$ 7,642.32
	<i>County tech support &amp; monitoring for computers and applications.</i>			
2424	<b>Environmental Consultant</b>	Consultant work, per contracted rate, 15 reviews	--	\$ 10,950.00
		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)	--	\$ 82,981.40
		Commissioner stipend: \$200 per meeting (9)	--	
		Commissioner stipend: \$200 per committee mtg (4)		
		ROV: \$100.60 per hour (11)	--	
		Staff support from Rebecca Lowery		
		County processing of quarterly taxes: \$1,000/quarter	--	
		Recruitment for Clerk (\$5,000)	one-time activity	
		County work on apportionment: \$5,600	Decreasing 10%	

## Attachment #4

## Services and Supplies Detail

Act. #	Account Name	Charge Measurement	Increase/Decrease	Total
		Video recording of meetings: \$900 per meeting (9)	Increasing 20%	
		Commissioner stipend for SoCal LAFCO: \$200 per mtg. (4)	--	
		Governance Training Program for Local Agencies	Increasing 20%	
	<i>This account is for outside services to assist in processing applications and service reviews as well as conducting Commission hearings. Staffing support from Rebecca Lowery will continue. Governance training will include two courses &amp; assistance for Barstow Cemetery District.</i>			
2449	<b>Outside Legal (Litigation &amp; Special Counsel)</b>	Per special counsel rate		\$ 10,000.00
	<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 10 hours at \$129.40/hr	Decrease of 50%	\$ 1,294.00
	<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>	\$450 per month	--	\$ 5,400.00
	<i>LAFCO implementing more digital circulation as cost savings.</i>			
2905	<b>Office/Hearing Chamber Rental</b>	Meeting Facility: \$405 per meeting (9)	--	\$ 64,141.76
		Office Lease: \$5,041 monthly	Increasing 3.0%	
	<i>Use of Norton Conference Center for meetings and office lease.</i>			
2940	<b>Private Mileage</b>	ESRI Conference San Diego	Increasing 11.6%	\$ 7,428.29
		Employee travel, misc.: \$67	Increasing 11.6%	
		CALAFCO Conf. (Yosemite)	Increasing 11.6%	
		CALAFCO Staff Workshop (Temecula)	Increasing 11.6%	
		Commissioner So Cal participation, 4 trips: \$268	Increasing 11.6%	
		Commissioner Meetings (9)	Increasing 11.6%	
	<i>Commissioners and staff private auto mileage at the IRS rate, excluding the Executive Officer.</i>			
2941	<b>Conference/Training</b>	CALAFCO Staff Workshop (Temecula) 3 staff	Increasing 21%	\$ 8,680.00
		CALAFCO Conference (Yosemite) \$700 each (10)	Increasing 23%	
	<i>The CALAFCO Staff Workshop location is in Temecula. 3 staff attending</i>			
	<i>The CALAFCO Conference will be held in Yosemite, with 7 Commissioners and 3 staff budgeted.</i>			
2942	<b>Hotel</b>	CALAFCO/So Cal participation: \$200 per night (4)	--	\$ 11,297.00
		ESRI Conference San Diego: (1 staff)	--	
		CALAFCO Conf. (Yosemite), \$253/night, 10 people, 3 nights	Decreasing 15.6%	
		CALAFCO Staff Workshop (Temecula), 3 staff	Decreasing 10.6%	
	<i>Hotel charges for Commissioners and staff on LAFCO business.</i>			
2943	<b>Meals</b>	Staff travel: \$50	--	\$ 1,050.00
		ESRI Conference San Diego (1 staff)	--	
		CALAFCO Conference (Yosemite) \$50 each for 10 people	--	
		CALAFCO Staff Workshop (Temecula), 3 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	<b>Air Travel</b>	CALAFCO participation: \$200/trip (4)		\$ 800.00
	<i>Airfare on Southwest Airlines for approved travel.</i>			
2946	<b>Other Travel</b>	CALAFCO participation: \$75/trip (4)		\$ 300.00
	<i>Miscellaneous travel charges such as parking and taxi charges.</i>			
5012	<b>Transfer to County (Staples &amp; Microsoft)</b>	Staples supplies: \$300 per month	--	\$ 8,697.00
		Microsoft Licenses	--	
<b>TOTAL SERVICES AND SUPPLIES</b>				\$ 398,839.05



## Attachment #5


## Revenues Detail

Account		Charge Measurement	Rate Inc/Dec	Total
6010	<b>Application Reserve</b>	Beginning balance		\$ 110,000
	<i>A reserve in place of application revenues</i>			
8500 & 9984	<b>Interest</b>	County Interest Pool returns	Variable	\$ 30,000
	<i>LAFCO participates in the County's interest pool and is apportioned interest receipts quarterly.</i>			
8842	<b>Apportionment</b>		--	\$ 1,172,283
	<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 County Auditor will be required to apportion this amount on July 1, 2024 pursuant to the requirements of law and Commission policies.</i>			
8545	<b>Individual Notice Deposit</b>	\$1,000 deposit	--	\$ -
	<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	--	\$ -
	<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	--	\$ -
	<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	--	\$ -
	<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	--	\$ -
	<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 4.5%	\$ -
	<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 accounts segregates legal cost recovery.</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>			
9973	<b>Stale-dated Checks</b>			\$ -
	<i>Uncashed checks that are credited</i>			
<b>TOTAL REVENUES</b>				\$ 1,312,283

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 8, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #18: Update of the Barstow Cemetery District

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## **RECOMMENDATIONS:**

Staff recommends that the Commission take the following actions:

1. Receive and file the update of the Barstow Cemetery District.
2. Direct staff to return to the Commission at its September 18, 2024 meeting with an update.

## **BACKGROUND:**

Historically, the Barstow Cemetery District ("District") has had challenges providing sustainable cemetery services to the Barstow community and surrounding areas. During 2022 and 2023 the challenges reached a critical level, resulting in the inability to provide effective and efficient cemetery services.

In January 2024, the Commission received the special study, with the following objectives:

- 1) Identify the strengths, weaknesses, opportunities, and threats of the District and its cemetery services.
- 2) Review options available for sustainable service delivery.
- 3) Review options available should the District not be able to provide sustainable service delivery.

The Commission's direction to its staff, with a request to the County, was to provide the District with the mechanisms to promote sustainability and adherence to the new standard due to the woven statutory measures that place the board of supervisors and county treasurer as the governing body and treasurer, respectively, of a public cemetery district should the county desire to do so. The hope is that these actions would support

sustainability and the hopeful result would be to recruit and retain competent board members, retain a competent general manager, recruit and retain competent grounds crew, obtain the correct equipment for the task, implementation of a policy and procedure manual with internal controls, as well as continual professional training in governance, finance, and cemetery operations.

Subsequently, the Commission directed staff to return in May with an update.

**MAY 2024 UPDATE:**

The County, via its Administrative Office and Public Works Department (which includes Special Districts Operations), has provided the following support to date:

- Discussed the different resources that the County can provide.
- County Special Districts Operations team followed up with a visit to the Cemetery and offered the assistance with maintenance and operations processes as well as insight on how to attract more maintenance contractors to work with the Cemetery and providing contacts.
- The Special Districts Regional Manager of the desert region, who takes care of a cemetery in Lucerne Valley, made himself available for the general manager for any questions or guidance on compliance matters.
- Special Districts Finance provided information for grant submissions.

LAFCO staff conducted a site visit and interview with the general manager on May 7. The following are summary items from said visit:

- The general manager is enrolled in CSDA's General Manager program, which consists of a variety of courses. LAFCO originally sponsored the District's educational courses at CSDA, but CSDA has offered to provide this training at no cost through its Special District Leadership Foundation scholarship program.
- Additionally, completed training consists of payroll courses offered by CALPers for its member agencies. The workers' compensation insurance agency for the Landscape Project, called the State Fund, recommends that the District take monthly safety training. The general manager states that their intent is to take these training sessions.
- Improvements to the facilities and grounds include:
  - Remodeling of the entire office interior, to include air conditioning, paint, proper doors, new furniture and computers
  - Maintenance crew has a dedicated room with a proper break amenities and lockers
  - Security cameras

- Funds for these improvements were from a trust account where the gains have not been used to date (principal remains but the gains may be used).
- System improvements include:
  - Adoption of policy manual, fee schedule, and rules and regulations
  - Quick books is now reconciled with bank and County Treasury records
  - Reinstatement of the Pre-Need Fund
  - Financial audits are current
  - Formulation and implementation of a process to verify plot layout
  - Current website includes all recent agendas and minutes
  - A new website is to launch by the end of fiscal year
  - Board meetings have moved from the early afternoon to 4pm to accommodate public attendees
  - Replacement of the clerical assistant position
  - Improved training with proper equipment of the grounds crew which has resulted in no current employees on a workers' compensation claim

LAFCO staff's analysis is that the District has made great strides since July 2023, when it replaced the general manager with a consultant with subsequent hiring of the position in October. The County and CSDA have been helpful with providing training and assistance. It appears that the mechanisms are in place for sustainability. Nonetheless, this iteration of the District is nascent, and more time is needed to ensure efficient and effective service delivery. Therefore, staff recommends that the Commission direct staff to return with a second update at its September 18 meeting.

SM/MT

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** MAY 8, 2024  
**FROM:** SAMUEL MARTINEZ, Executive Officer   
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #20: EXECUTIVE OFFICER'S REPORT**

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## REMINDER:

The Commission will be dark in June. Please note that the next Commission meeting will be on July 17, 2024.

## UPDATES ON PROPOSALS INCLUDING SERVICE REVIEWS/SPECIAL STUDIES, AND SPHERE OF INFLUENCE AMENDMENTS/UPDATES:

- LAFCO 3264 – Annexation to West Valley Water District (APN 0254-192-02 - GATX Corporation)

*The Certificate of Completion for LAFCO 3264 was issued on March 27, 2024.*

- LAFCO 3265 – Annexation to the Bighorn-Desert View Water Agency and Bighorn-Desert View Improvement Zone CSA 70 W-1 (APN 0631-071-29)

*The Certificate of Completion for LAFCO 3264 was issued on March 27, 2024.*

## UPDATES ON OUT-OF-AGENCY SERVICE CONTRACT DELEGATED TO THE EO:

- LAFCO SC #525 – Wastewater Service Agreement Between the City of Rialto, the City of Fontana, and Orangewood MHP Asset Partners, L.P. (Assessor Parcel Number 0246-191-30) -- Exempt from the Provisions of Government Code Section 56133

*The City of Rialto submitted a request for authorization to provide sewer service to an existing mobile home park on a parcel located at 8787 Locust Avenue, within*

*the City of Fontana. The Executive Officer made the determination that LAFCO SC#525 met the exemption provisions under Section 56133(e)(1)—an extended service between at least two public agencies (Cities of Rialto and Fontana), where the service to be provided to the existing mobile home park is an alternative to, or substitute for, services already being provided by both agencies and where the level of service to be provided is consistent with the level of service contemplated by both agencies.*

## **CALAFCO NEWS:**

- **Staff Workshop**

LAFCO Staff attended the CALAFCO Staff Workshop in Pleasanton (Alameda County) from April 24 to April 26. Art was a panelist on one of the workshop sessions regarding GIS.

## **SOUTHERN REGION LAFCOs**

The Southern Region LAFCOs will be meeting via Zoom next Friday, May 17, 2024 at 10 am. Chair Warren, Commissioner Cox, and staff are anticipated to attend the meeting. If any of the other Commissioners wish to attend the meeting, please let staff know so that the agenda (and log-in information) can be forwarded once it is made available.

## **STAFF SITE VISITS:**

- **County Public Works**

Staff made a LAFCO 101 presentation to County Public Works staff on April 1.

- **City of Barstow/Barstow FPD**

Staff traveled to Barstow on May 6 and met with City staff regarding City and District clean-up actions.

- **Barstow Cemetery District**

Staff also met with the District GM on May 6 to go over the May update.