

AGENDA

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

REGULAR MEETING OF JULY 17, 2024

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

ANNOUNCEMENT:

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

1. 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.

2. Approval of Minutes for Regular Meeting of May 15, 2024
3. Approval of Executive Officer's Expense Report
4. Ratify Payments as Reconciled and Note Cash Receipts for the Months of April and May 2024
5. Approval of Fiscal Year 2015-16 Financial Records Destruction Pursuant to Commission Policy
6. Review and Update the Catalog Enterprise Systems per Government Code Section 6270.5
7. Consent Items Deferred for Discussion

PUBLIC HEARING ITEM:

8. Consideration of: 1) Review of Mitigated Negative Declaration Prepared by the City of Chino for the East End Annexation Project that Includes Prezone and Annexation (PL 20-0003) as Responsible Agency for LAFCO 3268; and 2) LAFCO 3268 – Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 (East End Annexation)

DISCUSSION ITEMS:

9. Update on Daggett Community Services District

10. [Move LAFCO Office from the San Bernardino Santa Fe Depot to the Norton Regional Event Center](#)
 - A. Review and Approve Amendment No. 4 (Surrender of Lease) with the San Bernardino County Transportation Authority (Contract No: 16-1001429)
 - B. Review and Approve Lease Agreement with the Inland Valley Development Agency
 - C. Review and Approve License Agreement with the Inland Valley Development Agency
 - D. Authorize the Expenditure of the Costs Related to the Move
11. [Unaudited Year-End Financial Report for Fiscal Year 2023/24](#)
12. [Appointment of Voting Delegate for the CALAFCO Conference Regional Caucus Elections and for the Annual Business Meeting and Nominations for CALAFCO Board of Directors](#)

INFORMATION ITEMS:

13. [Legislative Update Report](#)
14. [Executive Officer's Report](#)
15. 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.

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

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

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

A person with a disability 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.

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

REGULAR MEETING

9:00 A.M.

MAY 15, 2024

PRESENT:

COMMISSIONERS:

Regular Member

Jesse Armendarez
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

None

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

ANNOUNCEMENT OF CONTRIBUTIONS

1. Swear in Regular and Special District Commissioners

Commission Clerk administers the Oath of Office for Commissioners Acquanetta Warren and Kimberly Cox.

2. Reappointment of Alternate Public Member

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

Ayes: Armendarez, Baca, Cox, Dupper, Farrell, and Warren.
Noes: None.
Abstain: Bagley.
Absent: Hagman (Armendarez voting in his stead).

Commission Clerk administers the Oath of Office for Commission Jim Harvey.

3. Selection of Chair and Vice Chair

Commissioner Dupper nominates to continue with the current Chair (Warren) and Vice Chair (Farrell). Second by Commission Cox. The motion passes with the following roll call vote:

Ayes: Armendarez, Baca, Bagley, Cox, Dupper, Farrell, and Warren.
Noes: None.
Abstain: None.
Absent: Hagman (Armendarez voting in his stead).

4. Public Comments on Closed Session

There are none.

5. Convene Closed Session

Conference Room Adjacent to the Event Center Auditorium

Prior to convening in closed session, Legal Counsel Paula de Sousa provides an oral announcement 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. 3rd 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

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

7. Comments from the Public

There are none.

CONSENT ITEMS:

8. Approval of Minutes for Regular Meeting of April 17, 2024

9. Approval of Executive Officer's Expense Report

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

10. Ratify Payments as Reconciled for the Month of March 2024 and Note Revenue Receipts

Recommendation: Ratify payments as reconciled for the month of March 2024 and note revenue receipts for the same period.

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.

12. Consent Items Deferred for Discussion (None)

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

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

Noes: None.

Abstain: None.

Absent: Hagman (Armendarez voting in his stead).

PUBLIC HEARING ITEMS:

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)

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 sewer service outside the City of San Bernardino's boundaries.

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

*Ayes: Armendarez, Baca, Bagley, Cox, Dupper, Farrell, and Warren.
Noes: None.
Abstain: None.
Absent: Hagman (Armendarez voting in his stead).*

14. LAFCO SC#524 – City of San Bernardino Irrevocable Agreement to Annex No. 2024-375 for Sewer Service (APN 0265-221-23)

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 determination and approval of the agreement for service outside the City of San Bernardino's boundaries.

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

*Ayes: Armendarez, Baca, Bagley, Cox, Dupper, Farrell, and Warren.
Noes: None.
Abstain: None.
Absent: Hagman (Armendarez voting in his stead).*

15. Review and Adoption of Amendments to LAFCO Policy and Procedure Manual, Section II – (Internal Operations, Accounting, and Financial) and Section III (Human Resources)

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.

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

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

Noes: None.

Abstain: None.

Absent: Hagman (Armendarez voting in his stead).

16. Review and Adoption of Schedule of Fees, Deposits, and Charges Effective July 1, 2024

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.

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

Ayes: Armendarez, Baca, Bagley, Cox, Dupper, Farrell, and Warren.
Noes: None.
Abstain: None.
Absent: Hagman (Armendarez voting in his stead).

17. Review and Adoption of Final Budget for Fiscal Year 2024/25 including the Apportionment for Independent Special Districts, Cities and Counties

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 cost 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.

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

Ayes: Armendarez, Baca, Bagley, Cox, Dupper, Farrell, and Warren.
Noes: None.
Abstain: None.
Absent: Hagman (Armendarez voting in his stead).

DISCUSSION ITEM:

18. Update on the Barstow Cemetery District

Recommendation: 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.

Presenters:

*Ashley Tarpley, General Manager, Barstow Cemetery District
Emily Helm, General Manager, Twentynine Palms Cemetery District & Consultant to Barstow Cemetery District*

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

Ayes: Armendarez, Baca, Bagley, Cox, Dupper, Farrell, and Warren.
Noes: None.

Abstain: None.

Absent: Hagman (Armendarez voting in his stead).

INFORMATION ITEMS:

19. Legislative Update Report

Executive Officer Sam Martinez provides updates on support letters submitted last month. He states that indemnification bill SB 1209 is now on the Senate floor for its third reading and will now move to the Assembly. He concludes his report stating the CALAFCO stand-alone bill, AB 3277, passed the Assembly floor and now sits in Senate Rules waiting for committee assignments.

20. Executive Officer's Report

Executive Officer Samuel Martinez reminds the Commission that there will be no meeting for June and the next meeting will be on July 17.

21. Commissioner Comments

Commissioner Farrell states his interest in attending the Southern Region of LAFCOs meeting. Executive Officer Samuel Martinez indicates that the meeting will be via Zoom and the Zoom link will be provided to any Commissioner interested in attending.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:18 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 : JULY 8, 2024 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

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

RECOMMENDATION:

Approve the Executive Officer's Expense Report for Procurement Card Purchases from April 23, 2024 to May 22, 2024 and May 23, 2024 to June 24, 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:

- April 23, 2024 to May 22, 2024
- May 23, 2024 to June 24, 2024

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

SM/AS

Attachment



PROCUREMENT CARD PROGRAM

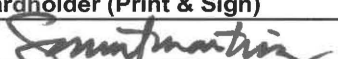
ATTACHMENT G

MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period 4/23/24 to 5/22/2024	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX INCL
04/23/24	Thomas West	1	Law Library Updates	Law Library Updates	8900005012	52002080	\$316.68			
04/23/24	J M Trophies	2	Office Expense	New Commissioner Nameplate (Supv. Armendarez)	8900005012	52002305	\$25.60			
05/01/24	Frontier Comm	3	Phone Service	Communication	8900005012	52002041	\$649.38			
05/03/24	Thomas West	4	Law Library Updates	Law Library Updates	8900005012	52002080	\$316.68			
05/06/24	Lola's Kitchen (Barstow)	5	Office Expense	Staff Lunch, Meeting w/City of Barstow City Mgr. & staff	8900005012	52002305	\$47.76			
05/12/24	Zoom	6	Video Conferencing	Monthly Subscription	8900005012	52002305	\$16.15			
05/16/24	Panera Bread	7	Office Expense	Commission Meeting	8900005012	52002305	\$42.98			
05/15/24	Albertsons	8	Office Expense	Commission Meeting	8900005012	52002305	\$9.99			

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 	07/08/24

Approving Official (Print & Sign)	Date
Acquanetta Warren	07/17/24

Approving Official (Print & Sign)	Date
Acquanetta Warren	07/17/24

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1170 West 3rd Street, Unit 150, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
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www.sbclafco.org

DATE : JULY 10, 2024 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #4 - RATIFY PAYMENTS AS RECONCILED FOR
THE MONTHS OF APRIL AND MAY 2024 AND NOTE REVENUE
RECEIPTS

RECOMMENDATION:

Ratify payments as reconciled for the months of April and May 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:

- April 1 through April 30, 2024
- May 1 through May 31, 2024

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

SM/MT

Attachment

APRIL 2024 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1901758465	5200	2085	04/15/24	The Sun	B3793493	Notice of Vacancy Alternate Public Member The Sun	\$ 322.00
1901758469	5200	2085	04/15/24	The Sun	B3793733	Notice of Hearing The Sun (April 17)	\$ 644.00
1901761722	5200	2085	04/18/24	Daily Press	B3793491	Inv Notice of Vacancy Alt Pub Member Daily Press	\$ 549.80
1901761724	5200	2085	04/18/24	Daily Press	B3793492	Inv Notice of Vacancy Alt Pub Mbr Hi Desert Star	\$ 410.59
1901747372	5200	2090	04/03/24	Jan Pro	97038	Fee for Janitorial Service Month of April 2024	\$ 588.00
1901747389	5200	2090	04/03/24	City Comm	UNIT: 150	City Comm Lease Payment 3/25/24 Inv Unit: 150	\$ 372.00
1901758459	5200	2180	04/15/24	Edison	6433-4-10-24	Cust acct 700099666433 Svc Acct 8002108287	\$ 463.51
1901748906	5200	2305	04/05/24	Stericycle	8006758395	3-13-24 Stericycle Inv 8006758395 Regular Svc	\$ 23.80
1901748907	5200	2315	04/05/24	Vital Records	4145161LAX1	Storage Summary Inv 4145161LAX1	\$ 116.22
1901765227	5200	2400	04/24/24	Best Best Krieger	993105	Legal Counsel	\$ 342.79
1901765229	5200	2400	04/24/24	Best Best Krieger	993104	Legal Counsel	\$ 632.00
1901739567	5200	2424	04/10/24	Tom Dodson	LACFO 24-2	Tom Dodson Invoice LAFCO Projects FY 23/24	\$ 425.00
1901765226	5200	2424	04/24/24	Tom Dodson	LAFCO 24-3	KAFCI Projects Barstow & SC#521	\$ 862.50
1901758462	5200	2444	04/15/24	Bay Alarm	21342418	Security Alarm Monitoring Svc 5-1-24 to 7-31-24	\$ 123.00
1901746159	5200	2445	04/02/24	Warren	WARREN3-26-24	Admin Committee meeting via Zoom	\$ 200.00
1901746166	5200	2445	04/02/24	Farrell	FARRELL3-26-24	Admin Committee meeting via Zoom	\$ 200.00
1901746169	5200	2445	04/02/24	Cox	COX3-26-24	Admin Committee meeting via Zoom	\$ 200.00
1901758472	5200	2445	04/15/24	Rebecca Lowery	18	Invoice for March 16 - March 31, 2024	\$ 300.00
1901758476	5200	2445	04/15/24	Rebecca Lowery	19	Invoice for April 1 - April 15, 2024	\$ 400.00
1901761663	5200	2445	04/18/24	Baca	BACA4-17-24	Baca Commissioner Stipend 4-17-24 mtg	\$ 200.00
1901761665	5200	2445	04/18/24	Bagley	BAGLEY4-17-24	Bagley Commissioner Stipend 4-17-24	\$ 200.00
1901761666	5200	2445	04/18/24	Cox	COX4-17-24	Cox Commissioner Stipend 4-14-24	\$ 200.00
1901761712	5200	2445	04/18/24	Denison	DENISON4-17-24	Denison Commissioner Stipend 4-17-24 mtg	\$ 200.00
1901761713	5200	2445	04/18/24	Dupper	DUPPER4-17-24	Dupper Commissioner Stipend 4-17-24 mtg	\$ 200.00
1901761714	5200	2445	04/18/24	Farrell	FARRELL4-17-24	Farrell Commissioner Stipend 4-17-24 mtg	\$ 200.00
1901761715	5200	2445	04/18/24	Harvey	HARVEY4-17-24	Harvey Commissioner Stipend 4-17-24 mtg	\$ 200.00
1901761716	5200	2445	04/18/24	Kenley	KENLEY4-17-24	Kenley Commissioner Stipend 4-17-24 mtg	\$ 200.00
1901761718	5200	2445	04/18/24	Warren	WARREN4-17-24	Warren Commissioner Stipend 4-17-24 mtg	\$ 200.00
1901761726	5200	2445	04/18/24	Event Design Lab	04172024	Event Design Invoice for April 17 mtg	\$ 900.00
1901749959	5200	2895	04/08/24	Konica Minolta	44465724	Konica Inv 44465724	\$ 42.49
1901749959	5200	2895	04/08/24	Konica Minolta	44465724	Konica Inv 44465724	\$ 365.38
1901747389	5200	2905	04/03/24	City Comm	UNIT: 150	City Comm Lease Payment 3/25/24 Inv Unit: 150	\$ 14,683.68
1901729367	5200	2905	04/10/24	IVDA	1751	Monthly rent for Auditorium March 2024	\$ 405.00
1901761665	5294	2940	04/18/24	Bagley	BAGLEY4-17-24	Bagley Commissioner Stipend 4-17-24	\$ 116.58
1901761666	5294	2940	04/18/24	Cox	COX4-17-24	Cox Commissioner Stipend 4-14-24	\$ 79.06
1901761712	5294	2940	04/18/24	Denison	DENISON4-17-24	Denison Commissioner Stipend 4-17-24 mtg	\$ 89.64
1901761714	5294	2940	04/18/24	Farrell	FARRELL4-17-24	Farrell Commissioner Stipend 4-17-24 mtg	\$ 24.52
1901761715	5294	2940	04/18/24	Jharvey	HARVEY4-17-24	Harvey Commissioner Stipend 4-17-24 mtg	\$ 112.56
1901761716	5294	2940	04/18/24	Kenley	KENLEY4-17-24	Kenley Commissioner Stipend 4-17-24 mtg	\$ 32.42
1901761718	5294	2940	04/18/24	Warren	WARREN4-17-24	Warren Commissioner Stipend 4-17-24 mtg	\$ 26.26
TOTAL							\$ 25,852.80
APRIL 2024 COUNTY TRANSFERS PROCESSED							
4103353775	5200	2031	04/01/24	IT		MAR 2024 Payroll System Services (EMACS)	\$ 55.92
4103353776	5200	2032	04/01/24	IT		MAR 2024 Virtual Private Network (VPN)	\$ 17.30
4103354153	5200	2037	04/01/24	IT		MAR 2024 Dial Tone	\$ 249.84
4103370788	5200	2305	04/29/24	Purchasing		7906188469000001	\$ 47.85
4103354156	5200	2420	04/01/24	IT		MAR 2024 Data Storage and Backup	\$ 100.76

4103354156	5200	2420	04/01/24	IT	MAR 2024 Enterprise Content Management	\$	115.00
4103354156	5200	2420	04/01/24	IT	MAR 2024 File Sharing Storage	\$	100.18
4103354156	5200	2420	04/01/24	IT	MAR 2024 Wireless Device (Exchange Active Sync)	\$	24.21
4103353782	5200	2421	04/01/24	IT	MAR 2024 Desktop Support Services	\$	684.39
4103354157	5200	2460	04/01/24	IT	MAR 2024 Aerial Imagery	\$	3,000.00
4103354155	5241	2410	04/01/24	IT	IT Infrastructure - Period 10	\$	711.00
4103370788	5540	5012	04/29/24	Purchasing	7906188469000001	\$	398.75
4200131614	5200	2424	04/05/24	Clerk to the Board	NOE - LAFCO SC#522	\$	50.00
4200131609	5200	2445	04/05/24	Auditor	2023 Q4 Interest Apportionment	\$	948.15
4200131698	5200	2445	04/05/24	ROV	Voter certification	\$	97.17
4200132240	5200	2445	04/18/24	Auditor	Annual LAFCO Apportionment	\$	5,192.52
4200119174	5200	2445	04/29/24	ROV	Voter certification	\$	98.94
4200119176	5200	2445	04/29/24	ROV	Voter certification	\$	98.94
4200119177	5200	2445	04/29/24	ROV	Voter certification	\$	49.47
4200119178	5200	2445	04/29/24	ROV	Voter certification	\$	98.94
4200119179	5200	2445	04/29/24	ROV	Voter certification	\$	98.94
4200119180	5200	2445	04/29/24	ROV	Voter certification	\$	98.94
4200119181	5200	2445	04/29/24	ROV	Voter certification	\$	98.94
4200119183	5200	2445	04/29/24	ROV	Voter certification	\$	97.17
4200119187	5200	2445	04/29/24	ROV	Voter certification	\$	98.94
4200119188	5200	2445	04/29/24	ROV	Voter certification	\$	98.94
4200132874	5200	2445	04/29/24	ROV	Voter certification	\$	98.94
4200133203	5200	2310	04/29/24	Mail	Mail Services - DEL	\$	213.36
4200133206	5200	2310	04/29/24	Mail	Mail Services - HAN	\$	144.01
4200133208	5200	2310	04/29/24	Mail	Mail Services - FLAT	\$	20.95
4200132479	5200	2323	04/18/24	Purchasing	N17873 - Emacs Reports 1-6-24	\$	8.74
4200132479	5200	2323	04/18/24	Purchasing	N16576 - #10 Regular ENV - Blue ink	\$	230.27
TOTAL						\$	13,447.47
APRIL 2024 CASH RECEIPTS							
4103375339	various		04/30/24	City of San Bernardino	Service Contract #523	\$	3,568.00
4103375339	various		04/30/24	City of San Bernardino	Service Contract #524	\$	3,568.00
4103375339	various		04/30/24	City of Rialto	Service Contract #525	\$	606.00
4103375339	4070	9800	04/30/24	West Valley WD/GATX	LAFCO 3264	\$	400.00
TOTAL						\$	8,142.00
APRIL 2024 COUNTY TRANSFERRED RECEIVED							
101159641	40308500		04/26/24	Treasury	QE 3/31/2024 INTEREST APPORTIONMENT	\$	14,092.69
1700037313	40809973		04/03/24	Auditor	Stale-dated check. Inland Senior Development LLC	\$	725.50
TOTAL						\$	14,818.19
COMPLETED BY:	MICHAEL TUERPE				APPROVED BY:	SAMUEL MARTINEZ	
	Assistant Executive Officer					Executive Officer	
	Date:	7/1/2024				7/1/2024	

MAY 2024 PAYMENTS PROCESSED						
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount
1901776457	52002085	05/07/24	SB Sun	B3805600	Notice of Hearing SB County Sun (May 15 Meeting)	\$ 257.60
1901772669	52002090	05/03/24	Jan Pro	97427	Jan Pro Cleaning Service Month of May	\$ 588.00
1901784263	52002180	05/14/24	So Cal Edison	6433-05-29-24	Cust acct 700099666433 Svc Acct 8002108287	\$ 443.56
1901777718	52002315	05/08/24	Vital Records	4212749LAX1	Record Storage	\$ 116.22
1901788856	52002400	05/21/24	Best Best Krieger	995209	Legal Counsel	\$ 2,820.69
1901780160	52002405	05/09/24	Davis Farr LLP	1548	2023 Audit Inv 1548	\$ 8,625.00
1901788854	52002424	05/21/24	Tom Dodson	LAFCO 24-4	LAFCO Projects 23/24 3269, SC521 & SC524	\$ 947.50
1901771398	52002445	05/02/24	Rebecca Lowery	20	Invoice for April 16 - April 30, 2024	\$ 775.00
1901779336	52002445	05/09/24	Baca	BACA5-7-24	Ad hoc meeting 5-7-24	\$ 200.00
1901780148	52002445	05/09/24	Warren	WARREN5-7-24	Ad hoc meeting 5-7-24	\$ 200.00
1901785602	52002445	05/16/24	Event Design Lab	5152024	Live Stream Broadcast Package Per Event Day5-15-24	\$ 900.00
1901785603	52002445	05/16/24	Rebecca Lowery	21	Invoice for May 1 - May 15 2024	\$ 825.00
1901785605	52002445	05/16/24	Baca	BACA5-15-24	Baca Commissioner Stipend 5-15-24	\$ 200.00
1901785614	52002445	05/16/24	Bagley	BAGLEY5-15-24	Bagley Commissioner Stipend 5-15-24	\$ 200.00
1901785620	52002445	05/16/24	Cox	COX5-15-24	Cox Commissioner Stipend 05/15/24	\$ 200.00
1901785621	52002445	05/16/24	Denison	DENISON5-15-24	Denison Commissioner Stipend 5-15-24	\$ 200.00
1901785644	52002445	05/16/24	Dupper	DUPPER5-15-24	Dupper Commissioner Stipend 5-15-24	\$ 200.00
1901785646	52002445	05/16/24	Farrell	FARRELL5-15-24	Farrell Commissioner Stipend 5-15-24	\$ 200.00
1901785651	52002445	05/16/24	Harvey	HARVEY5-15-2024	Harvey Commissioner Stipend 5-15-24	\$ 200.00
1901785661	52002445	05/16/24	Kenley	KENLEY5-15-24	Kenley Commissioner Stipend 5-15-24	\$ 200.00
1901785663	52002445	05/16/24	Warren	WARREN5-15-24	Warren Commissioner Stipend 5-15-24	\$ 200.00
1901787005	52002445	05/17/24	Cox	COX5-17-24	So. Region of the CALAFCO meeting 5/17/24	\$ 200.00
1901789901	52002445	05/22/24	Armendarez	ARMEND5-15-24	Armendarez Commissioner Stipend 5-15-24	\$ 200.00
1901770242	52002905	05/01/24	City Comm	1767	Monthly rent for using Auditorium May 2024	\$ 405.00
1901780148	52942940	05/09/24	Warren	WARREN5-7-24	Ad hoc meeting 5-7-24	\$ 26.26
1901785614	52942940	05/16/24	Bagley	BAGLEY5-15-24	Bagley Commissioner Stipend 5-15-24	\$ 116.58
1901785620	52942940	05/16/24	Cox	COX5-15-24	Cox Commissioner Stipend 05/15/24	\$ 79.06
1901785621	52942940	05/16/24	Denison	DENISON5-15-24	Denison Commissioner Stipend 5-15-24	\$ 89.64
1901785646	52942940	05/16/24	Farrell	FARRELL5-15-24	Farrell Commissioner Stipend 5-15-24	\$ 24.52
1901785651	52942940	05/16/24	Harvey	HARVEY5-15-2024	Harvey Commissioner Stipend 5-15-24	\$ 112.56
1901785661	52942940	05/16/24	Kenley	KENLEY5-15-24	Kenley Commissioner Stipend 5-15-24	\$ 32.42
1901785663	52942940	05/16/24	Warren	WARREN5-15-24	Warren Commissioner Stipend 5-15-24	\$ 26.26
1901793593	40709555	05/28/24	Lake Arrowhead CSD	LAFCO 3260	Refund from amounts remaining from deposit	\$ 136.45
1901786540	40709660	05/16/24	Geneil Vines	LAFCO 3240	LAFCO 3240 Annexation to the City of Redlands	\$ 11,289.30
1901794949	40709660	05/29/24	Tanna Guillian	SC 509	Refund from amounts remaining from deposit	\$ 760.63
1901796455	40709660	05/30/24	Running Springs Water Dist.	SC 521	Refund from amounts remaining from deposit	\$ 300.83
1901788134	40809990	05/20/24	SBCERA	LAFCO FY 2024	Payment towards the Unfunded Actuarial Liability	\$ 52,500.00
TOTAL						\$ 84,798.08
MAY 2024 COUNTY TRANSFERS PROCESSED						
52002031	4103398731	05/01/24	IT		APR 2024 Payroll System Services (EMACS)	\$ 55.92
52002032	4103398327	05/01/24	IT		APR 2024 Virtual Private Network (VPN)	\$ 17.30
52002037	4103398329	05/01/24	IT		APR 2024 Dial Tone	\$ 249.84
52002305	4103389648	05/13/24	Purchasing		7631693442000001	\$ 12.32
52002420	4103398336	05/01/24	IT		APR 2024 Wireless Device (Exchange Active Sync)	\$ 24.21
52002420	4103398336	05/01/24	IT		APR 2024 File Sharing Storage	\$ 100.18
52002420	4103398336	05/01/24	IT		APR 2024 Enterprise Content Management	\$ 115.00
52002420	4103398336	05/01/24	IT		APR 2024 Data Storage and Backup	\$ 100.76

52002421	4103398337	05/01/24	IT		APR 2024 Desktop Support Services	\$	684.39
52412410	4103398333	05/01/24	IT		IT Infrastructure - Period 11	\$	711.00
55405012	4103389648	05/13/24	Purchasing		7631693442000001	\$	102.67
52002424	4200133373	05/02/24	Clerk to the Board		NOE-LAFCO SC#521	\$	50.00
52002424	4200134520	05/21/24	Clerk to the Board		NOD - LAFCO SC#523	\$	50.00
52002424	4200134521	05/21/24	Clerk to the Board		NOE-Schedule of Fees Deposits & Charges forFY24-25	\$	50.00
52002424	4200134522	05/21/24	Clerk to the Board		NOE-Schedule of Fees Deposits & Charges forFY24-25	\$	50.00
52942940	1901795859	05/29/24	Arturo Pastor		Trip from 04/23/24 To 04/26/24 to Pleasanton, CALAFCO	\$	1,007.98
52942942	1901795837	05/29/24	Michael Tuerpe		Trip from 04/23/24 To 04/26/24 to Pleasanton, CALAFCO	\$	653.12
52002310	4200134388	05/17/24	Mail		Mail Services - HAN	\$	1,589.45
52002310	4200134390	05/17/24	Mail		Mail Services - FLAT	\$	142.88
52002310	4200134393	05/17/24	Mail		Mail Services - DEL	\$	223.52
TOTAL						\$	5,990.54
MAY 2024 CASH RECEIPTS							
4103399360	various	05/21/24	Cucamonga Valley Water Dist.		LAFCO 3270	\$	13,427.00
TOTAL						\$	13,427.00
MAY 2024 COUNTY TRANSFERRED RECEIVED							
TOTAL			NONE			\$	-
COMPLETED BY:	MICHAEL TUERPE				APPROVED BY:	SAMUEL MARTINEZ	
	Assistant Executive Officer					Executive Officer	
	Date:	7/1/2024				7/1/2024	

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

DATE : JULY 8, 2024

FROM: SAMUEL MARTINEZ, Executive Officer
ANGELA SCHELL, Clerk to the Commission

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #5 – APPROVAL OF FISCAL YEAR 2015-16 FINANCIAL
RECORDS DESTRUCTION PURSUANT TO COMMISSION POLICY

RECOMMENDATION:

Staff recommends the Commission direct the Executive Officer, as Records Management Coordinator, to:

1. Destroy the Commission's financial records for Fiscal Year 2015-16 pursuant to the Commission's Records Retention Policy, and
2. Record the items to be destroyed in the Destruction Log along with a copy of the Commission's minute action authorizing destruction.

BACKGROUND INFORMATION:

The Commission's Records Retention Policy states that the Executive Officer, as the Records Management Coordinator, shall present a Commission agenda item once a year related to records to be destroyed.

As part of the Records Retention Policy, the adopted Records Retention Schedule provides for a seven-year retention period for all financial records, regardless if the statutes permit a lesser retention period. The records for destruction include expense reports, budgets, billings, accounting reports, budget change proposals, budget change concepts, audits, invoices, fees, receipts, checks, ledgers and registers. In addition, the Fair Political Practices Commission (FPPC) also provides for a seven-year retention period for Statements of Economic Interest (FORM 700). The records for destruction will also include the Form 700s for the 2016 Calendar Year.


Staff recommends the Commission direct the Executive Officer to take the actions listed in the Recommendation above.

Should the Commission have any questions, staff will be happy to answer them before or at the hearing.

SM/as

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DATE: JULY 10, 2024 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

**SUBJECT: AGENDA ITEM #6: REVIEW AND UPDATE THE CATALOG OF
ENTERPRISE SYSTEMS PER GOVERNMENT CODE SECTION 6270.5**

RECOMMENDATIONS:

Staff recommends that the Commission take the following actions:

1. Approve the Enterprise Systems Catalog as of July 1, 2024 as identified in this staff report.
2. Direct the Executive Officer to post the Enterprise Systems Catalog as of July 1, 2024 on the LAFCO website.

BACKGROUND:

On October 11, 2015, the State of California enacted Senate Bill 272 (SB 272) which added a section to the California Public Records Act (Government Code Section 6270.5) relating to public records. Section 6270.5 requires local agencies to create a catalog of "Enterprise Systems" and post that catalog on their respective websites with annual updates.

"Enterprise System" is defined as a software application or computer system that collects, stores, exchanges, and analyzes information that the agency uses that is both of the following:

- A multi-departmental system or a system that contains information collected about the public.
- A system of record where the system serves as an original source of data within an agency.

Systems used for security, public safety, and public utilities are not included in the requirements.

ANNUAL UPDATE:


Below is the catalog of “Enterprise Systems”, as prepared by LAFCO staff, as of July 1, 2024:

LAFCO ENTERPRISE SYSTEMS						
ENTERPRISE SYSTEMS PURCHASED DIRECTLY BY LAFCO						
Vendor	Product	Purpose	Data Type	Custodian	Data Collection Frequency	Data Update Frequency
CDWG	Adobe Acrobat DC Pro	PDF and fillable forms	Documents	Agency-wide	As needed	As needed
ECS Imaging	Laserfische	Document/Records Management	LAFCO Files, PDFs	Agency-wide	As needed	As needed
Zoom	Zoom	Audio/Video communications, meetings, and recordings	Communications	Agency-wide	As needed	As needed
SurveyMonkey	SurveyMonkey	Survey creation	Online Service	Agency-wide	As needed	As needed
ENTERPRISE SYSTEMS PURCHASED OR ACCESSED VIA THE COUNTY OF SAN BERNARDINO						
Vendor	Product	Purpose	Data Type	Custodian	Data Collection Frequency	Data Update Frequency
Blackberry Company	Enterprise Blackberry Exchange (BE) Server	Enterprise BE Server Software and Infrastructure	Email	Agency-wide	Daily	Daily
County Information Services	Property Information Management System (PIMS)	Accessing tax roll data for property valuation	Tax Roll	Agency-wide	Daily	Daily
County Information Services	sbclafco.org website	LAFCO website	Communications	Agency-wide	Daily	Daily
ESRI	ArcGIS Suite	Mapping and spatial analysis	Geographic Information System	Agency-wide	As needed	As needed
Microsoft	Exchange	Email	Email system	Agency-wide	Daily	Daily
Microsoft	Office Suite	Statutory obligations, general office work	Vendors or contractors' information	Agency-wide	As needed	As needed
Microsoft	Enterprise Microsoft Exchange (ME) Email	Enterprise ME Email Software and Infrastructure	Email	Agency-wide	Daily	Daily
Microsoft	Enterprise SQL Server	Enterprise SQL Server Software and Infrastructure	Databases	Agency-wide	Daily	Daily
Microsoft	Office 365	Email system used to send and receive emails	Email	Agency-wide	Daily	Daily
Microsoft	Teams	Audio/Video communication and meetings	Communications	Agency-wide	As needed	As needed
SAP	SAP Core Financials and Procurement	Financial management system	Financial	Agency-wide	Daily	Daily

Staff recommends that the Commission take the actions identified on page 1.

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(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: JULY 10, 2024 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #8: LAFCO 3268 – Reorganization to include Annexation to the City of Chino and Detachment from County Service Area 70 (East End Annexation)

INITIATED BY:

City of Chino Council Resolution

RECOMMENDATION:

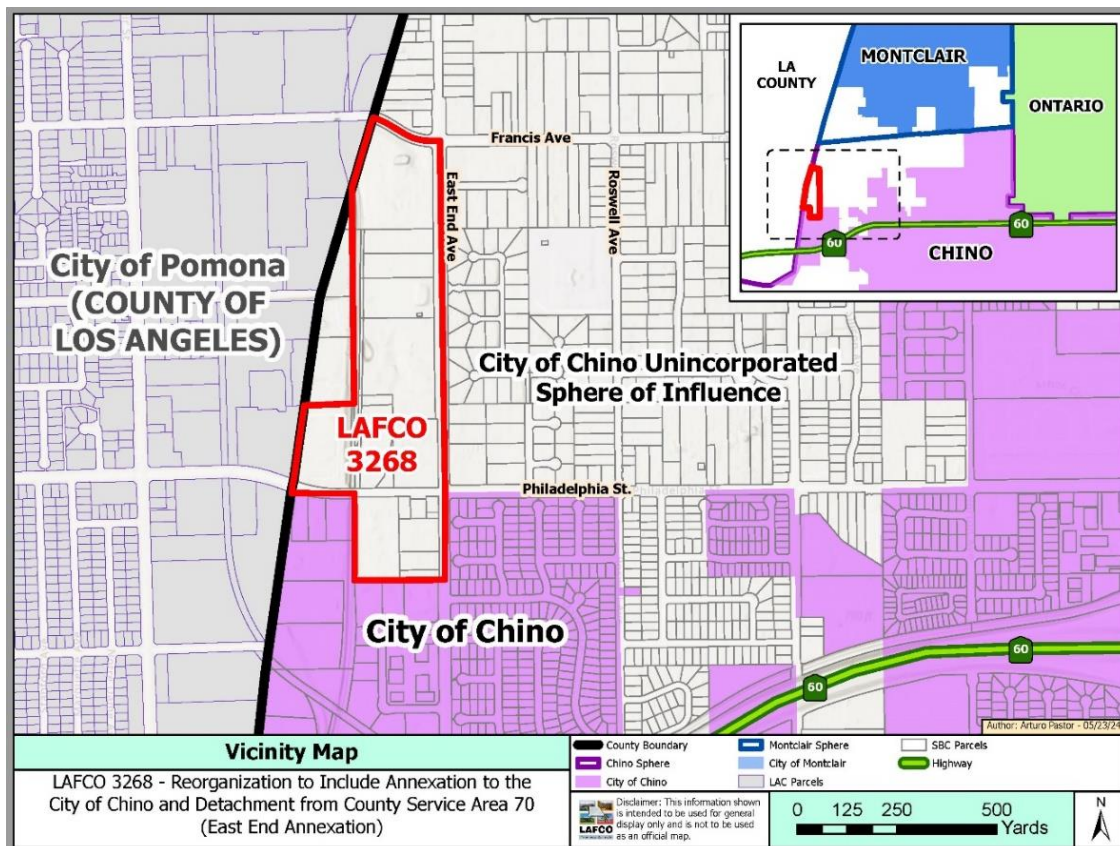
Staff recommends that the Commission approve LAFCO 3268 by taking the following actions:

1. With respect to environmental review:
 - a) Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City's Initial Study and Mitigated Negative Declaration for the Philadelphia Street Industrial Development Site and East End Annexation Project that Includes Prezone and Annexation (PL 20-0003);
 - b) Determine that the City's environmental assessment and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO 3268;
 - c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures identified in the City's environmental document are the responsibility of the City and/or others, not the Commission; and,

- d) Direct the Executive Officer to file the Notice of Determination within five (5) days.
2. Expand the proposal presented to include the three (3) additional parcels and approve LAFCO 3268, as modified, with the standard terms and conditions that include the “hold harmless” clause for potential litigation; and,
3. Adopt LAFCO Resolution #3405 setting forth the Commission’s findings and determinations concerning this proposal.

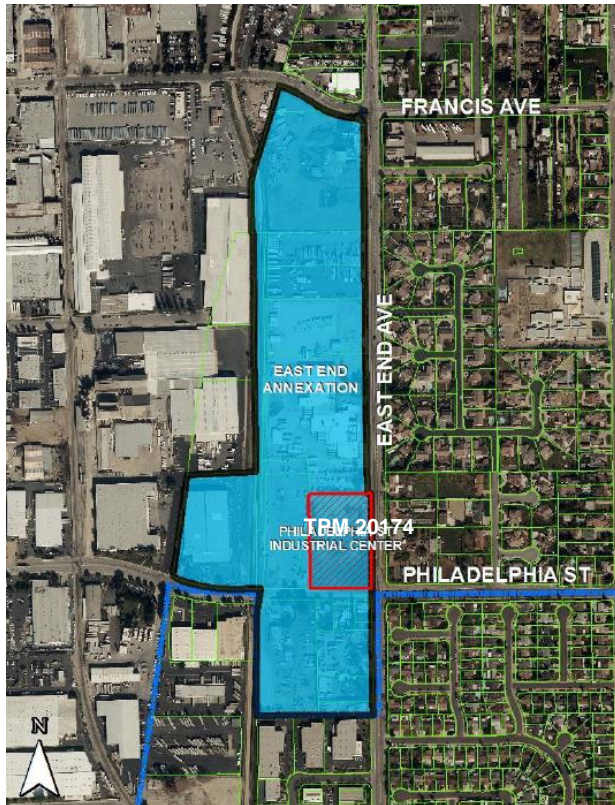
BACKGROUND:

LAFCO 3268 is a reorganization proposal initiated by the City of Chino (hereafter the “City”) that includes annexation to the City and detachment from County Service Area (“CSA”) 70. The reorganization proposal, as submitted by the City, encompasses approximately 57.6 acres and is generally bounded by a combination of the San Bernardino Countyline, the San Antonio Creek Channel, and parcel lines on the west; Francis Avenue on the north; East End Avenue (portion of existing City of Chino boundary) on the east; and a combination of Philadelphia Street and parcel lines (existing City of Chino boundary) on the south, within the City of Chino’s sphere of influence. Below is a vicinity map of the reorganization area, as submitted by the City.

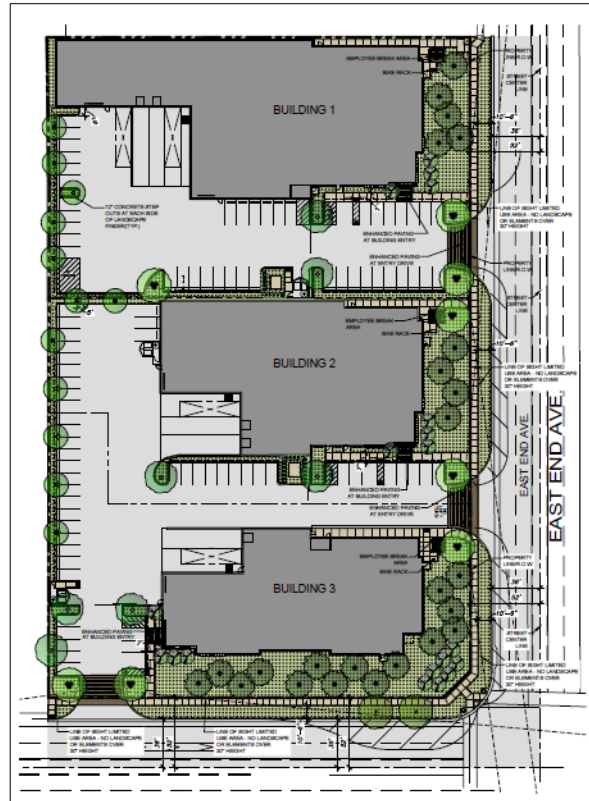


Vicinity Map, as Submitted by the City

The City's purpose in initiating this reorganization is to provide services for the proposed Tentative Parcel Map (TPM) 20174, also known as the "Philadelphia Street Industrial Development Project" (hereafter the "Proposed Project"), located at the northeast corner of East End Avenue and Philadelphia Street. The Proposed Project is to subdivide the 3.59-acre land into three parcels and construct three industrial buildings with a total of 63,900 square feet.



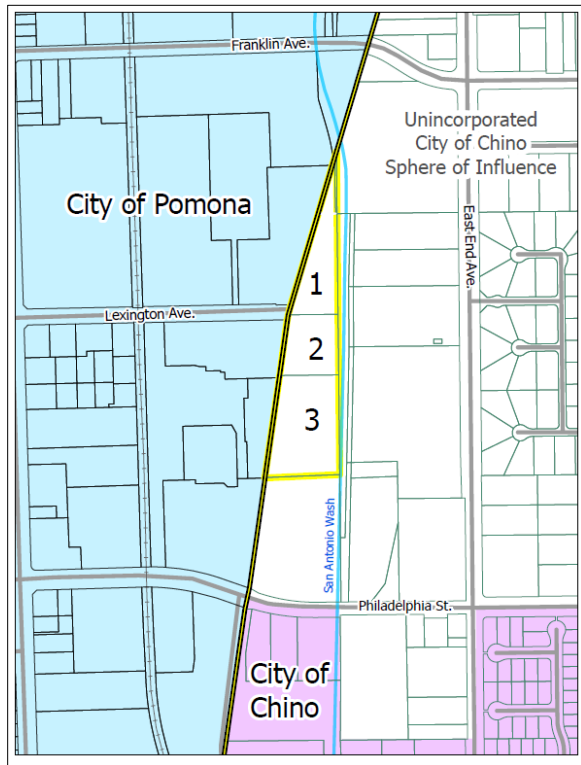
Aerial Map of LAFCO 3268 and
Location of Proposed Project
(TPM 20174)



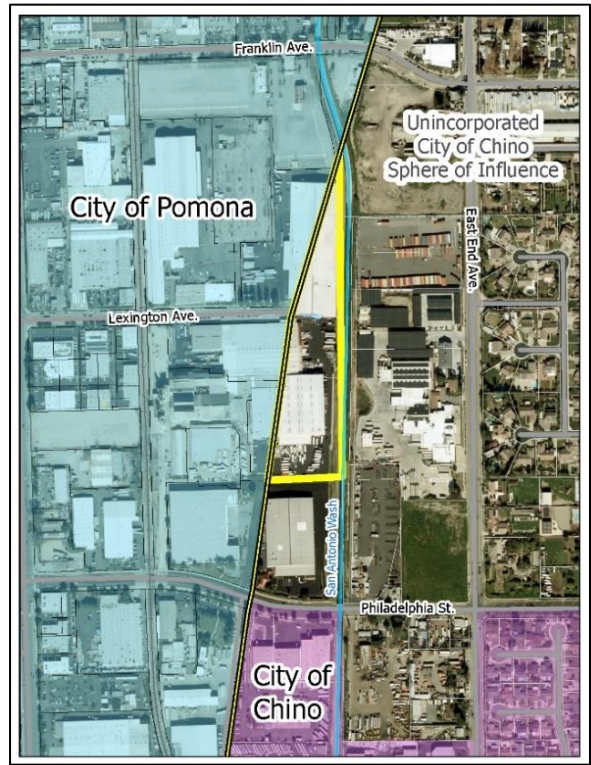
Site Plan of Project (TPM 20174)
Philadelphia Street Industrial Development
Project

The City is proposing the annexation of approximately 57.6 acres of land into the City to provide for a logical boundary for service delivery, which includes the properties south of Franklin Avenue and west of East End Avenue.

As the staff began its review of this application, it was determined that the annexation, as presented, did not include three properties that currently abut the Countyline between San Bernardino and Los Angeles Counties (see Vicinity and Aerial Maps below):



Vicinity Map



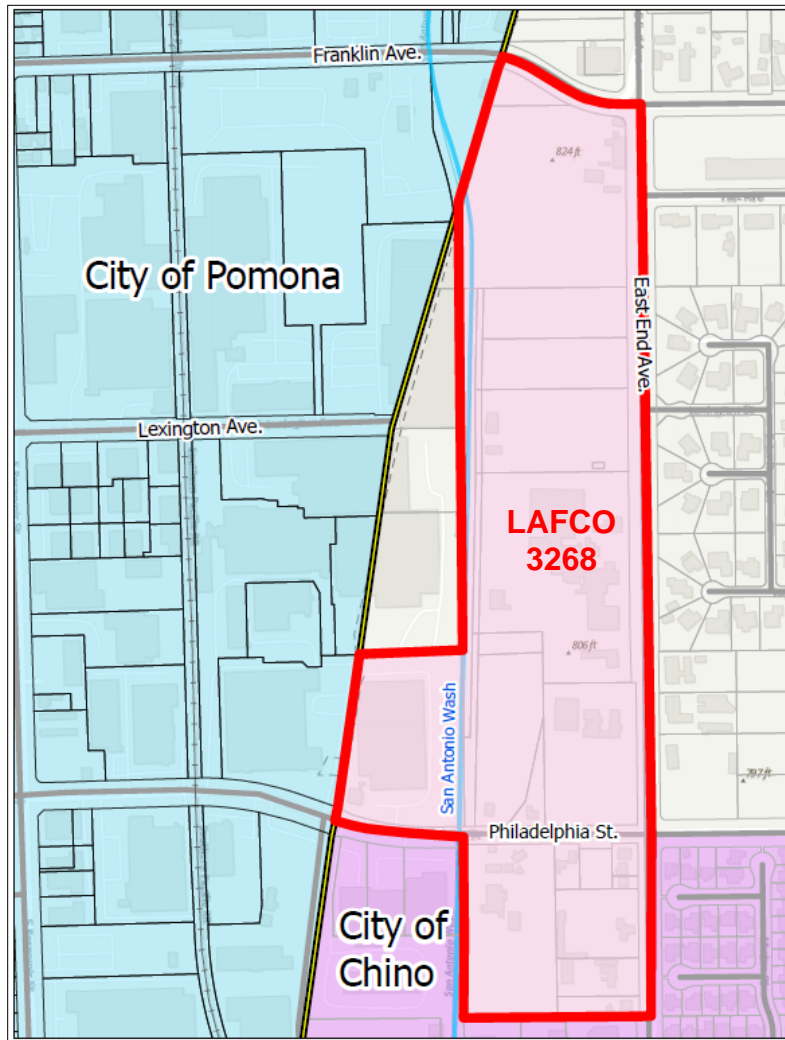
Aerial Map

The City's application excludes all three parcels (numbered on the vicinity map above), Assessor Parcel Numbers (1) 1013-531-09, (2) 1013-531-10, and (3) 1013-531-11, due the following reasons:

- The existing structures within these properties are split along the Countyline;
- The frontages for these structures are all in Los Angeles County; and,
- The parcels in San Bernardino County are cut-off by a flood control channel (San Antonio Wash) that runs along the eastern edge of said parcels.

Creation of a Totally-Surrounded Unincorporated Island:

Because the City's application excluded these parcels, the annexation boundary creates a completely surrounded island between the proposed annexation area and the Countyline, which is also the boundary for the City of Pomona. An area is considered an island if it is "surrounded by the city to which annexation is proposed or by a city, a county boundary, or the Pacific Ocean". Pursuant to Government Code Section 56744, the Commission is prohibited from approving an annexation that creates an island. The map below shows the City of Chino's application, as submitted, and how this would create an unincorporated island between the City and the Countyline.



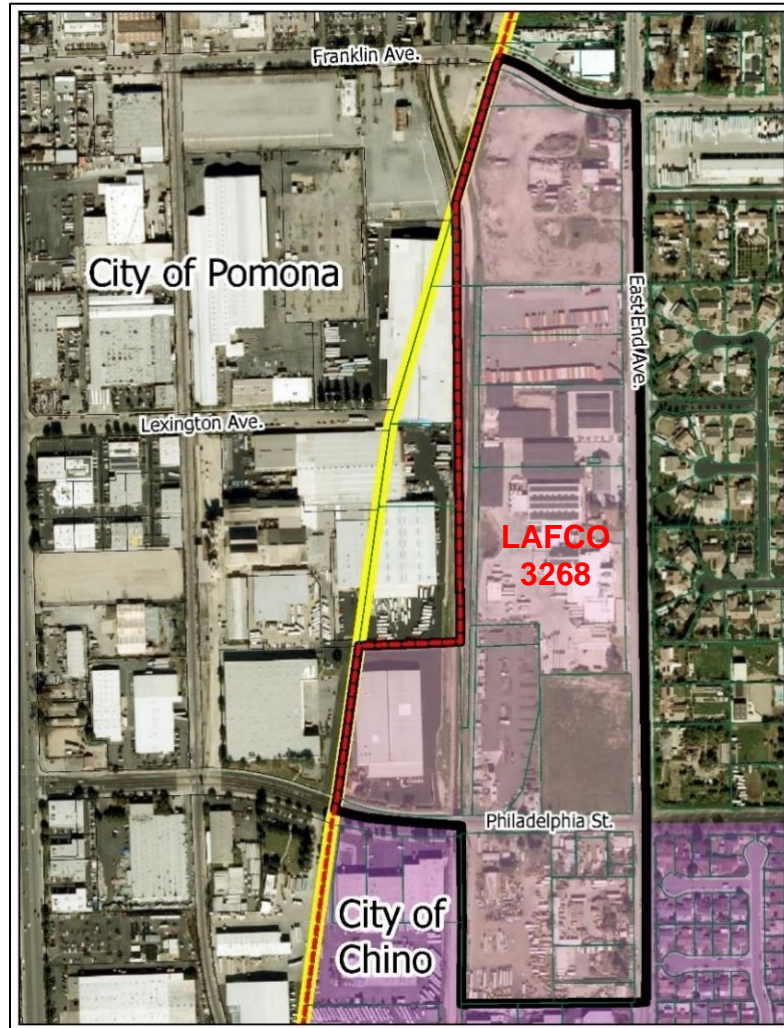
Vicinity Map of Unincorporated Island Area

There are two options to address the creation of the island adjacent to LAFCO 3268: 1) a “County Boundary Change” take place, which would not only remedy the creation of the island but will also remove the split jurisdiction between the two counties, or 2) the Commission can modify the proposal to include the three parcels as part of the overall reorganization.

1. County Boundary Change Option

Because the existing structures within the properties along the Countyline are split between the two counties and the frontages for these structures are all in Los Angeles County, a “County Boundary Change” would be the most logical solution. Not only would it address the creation of an island, but the county boundary change would clearly delineate the actual service provision to the three parcels by matching the service being provided to the front side of said structures.

The county boundary change would move the existing Countyline boundary, depicted as a yellow line on the map below, to where the red dash line is delineated:



Vicinity Map Showing County Boundary Change Option

This process would remove these parcels from within the jurisdiction of San Bernardino County and transfer them into Los Angeles County. Unfortunately, a county boundary change is not a LAFCO process but rather an action by the Board of Supervisors for the affected counties, in this case – San Bernardino and Los Angeles Counties, through a process outlined in Government Code Sections 23200-23221¹.

¹ Title 3, Division 1, Chapter 2, Article 4. Minor Boundary Changes.

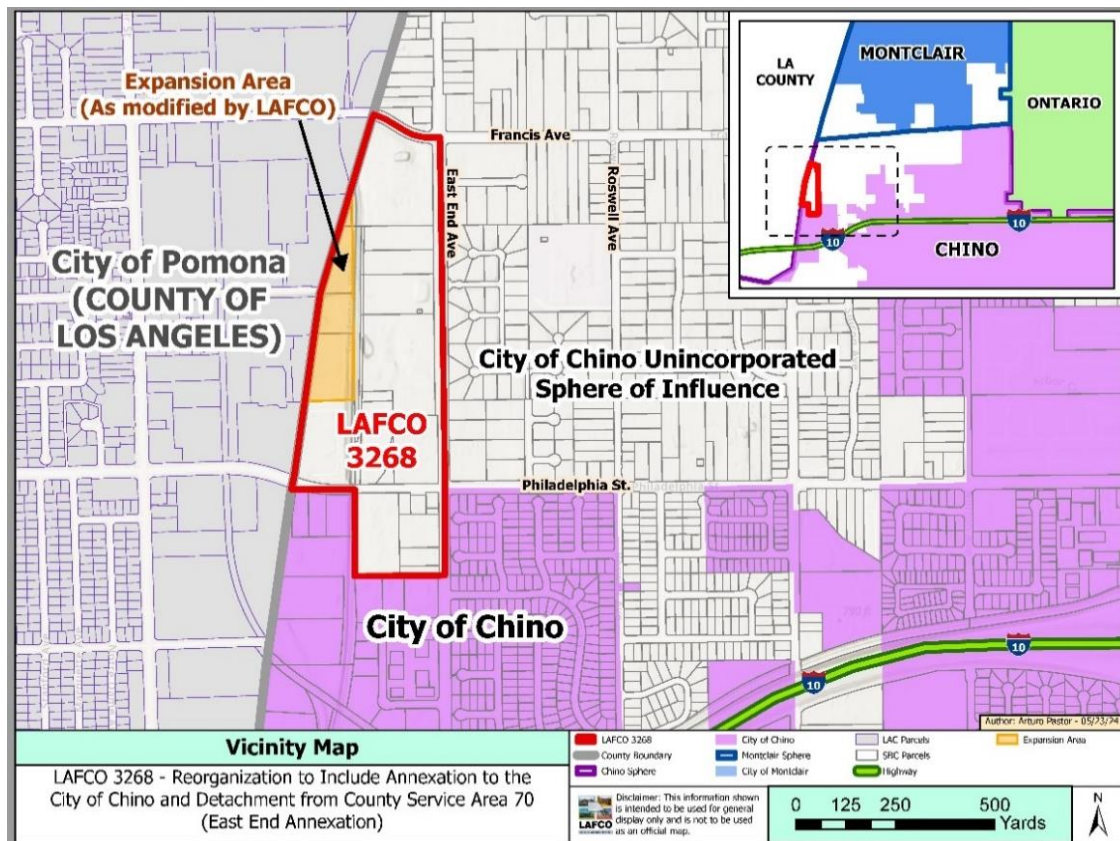
2. Modify the Annexation Option

The Commission can expand the boundaries for LAFCO 3268 to include the three parcels, which would then eliminate the creation of an island.

The Cities of Chino and Pomona and San Bernardino County agree that the county boundary change option is the preferred route; however, they also recognize the complexity in addressing the island through a county boundary change, which can take years to process including collaboration with multiple agencies. In addition, it also requires close coordination between the Counties of San Bernardino and Los Angeles since both counties must take their own separate but coordinated actions.

Boundary Issue Solution:

Because of the complexities of doing a county boundary change, LAFCO staff is recommending that the Commission expand the proposal to include the three parcels, Assessor Parcel Numbers 1013-531-09, 1013-531-10, and 1013-531-11, as part of the overall reorganization area. In doing so, the modified boundary removes the potential of creating an unincorporated island.



Vicinity Map of LAFCO 3268, As Modified

The City outlined its support for the modified boundary in its letter dated May 1, 2024 (see Attachment #3). The County also adopted a resolution opposing LAFCO 3268 unless the proposal is modified to include the three parcels (see Attachment #4).

Both the City and the County agree that a county boundary change should occur at some point in the future to remove the split jurisdiction between the two counties, which would also clearly delineate the actual service provision for all three parcels. Therefore, staff is recommending that the Commission make the following statement:

It is the Commission's position that a county boundary change would provide for a clear and defined boundary for the three parcels whose structures currently split jurisdiction between San Bernardino and Los Angeles Counties. However, the Commission understands that such a change is not a LAFCO process and cannot be completed in a timely manner. Therefore, the Commission recommends that the City of Chino and the County of San Bernardino coordinate a county boundary change in the future that includes the three parcels, Assessor Parcel Numbers 1013-531-09, 1013-531-10, and 1013-531-11, removing these parcels from San Bernardino County and its underlying local agencies and transferring them into Los Angeles County and into the appropriate local agencies within Los Angeles County.

FACTORS OF CONSIDERATION:

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

BOUNDARIES:

The reorganization area, as modified, encompasses approximately 65.06 acres and is generally bounded by the San Bernardino Countyline on the west, Francis Avenue on the north, East End Avenue (portion of existing City of Chino boundary) on the east, and a combination of Philadelphia Street and parcel lines (existing City of Chino boundary) on the south, within the City of Chino's northern sphere of influence.

No boundary issue has been identified. It is LAFCO staff's position that this reorganization proposal provides for a logical boundary. The City not only proposed the annexation that included multiple parcels in order to create a logical boundary, but the modified area also removes the potential creation of an unincorporated island territory within the City of Chino's sphere of influence.

LAND USE:

Existing Uses:

The reorganization area is a mix of industrial development and vacant lands. Existing uses directly surrounding the reorganization area include industrial development on the north,

industrial and residential development on the east, and industrial development on the south and west. An aerial display of the general vicinity is shown below:



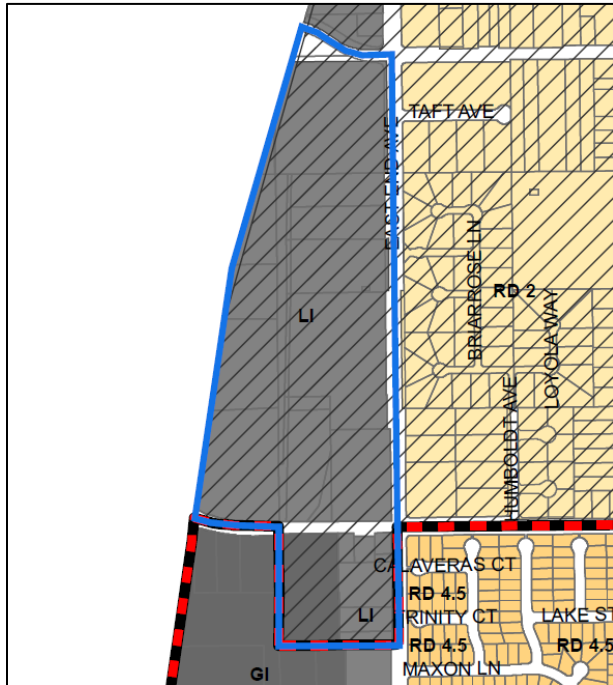
Aerial Map

County's Land Use Designation:

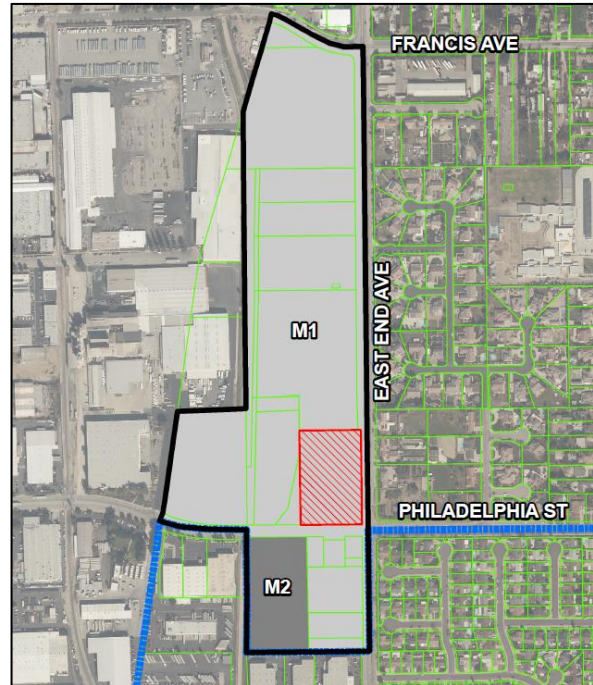
The County's current land use designations for the entire reorganization area are: IR (Regional Industrial), which provides sites for heavy industrial uses; IC (Community Industrial) includes light industrial uses such as light manufacturing uses, wholesale/warehouse services; and RS-20M (Single Residential, 20,000 square foot minimum lot size). The RS-20M designation is for the portion that is being developed with the Proposed Project.

City's General Plan and Pre-Zone Designations:

The City's General Plan designates the reorganization area as LI (Light Industrial) and GI (General Industrial). The modified area is also designated as LI.



City's General Plan Land Use



City's Pre-Zone Designations

The City of Chino pre-zoned the reorganization area as part of its approval of the Philadelphia Street Industrial Development Site and East End Annexation Project to M1 (Light Industrial) and M2 (General Industrial). These pre-zone designations are consistent with the City's General Plan for the reorganization area.

Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for a period of two (2) years following annexation. The law allows for a change in designation if the City Council makes the finding, at a public hearing, that a substantial change has occurred in circumstances that necessitate a departure from the pre-zoning outlined in the application made to the Commission.

Pre-zoning is not required for the modified area since the area is currently built-out with existing entitlements pursuant to Government Code Section 56375(a)(7). The City's land use designation for the additional area is Light Industrial, which is the default pre-zone designation for said area, which is also consistent with the City's General Plan.

SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. County Service Area 70 (multi-function entity) is the only County service provider within the reorganization area affected by the change. In addition, the following regional entities overlay the reorganization area: Chino Valley Independent Fire Protection District, Monte Vista Water District, West Valley

Mosquito and Vector Control District, Inland Empire Resource Conservation District, Chino Basin Water Conservation District, Inland Empire Utilities Agency and its Improvement District No. C (wastewater treatment services), and the Metropolitan Water District of Southern California (the State Water Contractor).

The application includes a plan for the extension of services for the reorganization area as required by law and Commission policy (included as part of Attachment #2 to this report). The Plan for Service, which was prepared by The Natelson Dale Group, Inc. and was certified by the City, includes a Fiscal Impact Analysis indicating that the project will have a positive financial effect for the City for the projected five years. In general, the Plan identifies the following:

- Wastewater collection services is already being provided to one of the properties with the reorganization by the City. There is an existing 8-inch sewer main in East End Avenue. The three industrial buildings will each connect to the existing sewer main in East End Avenue.

Wastewater treatment will be the responsibility of the Inland Empire Utilities Agency.

- Water service is already provided to the reorganization area by the Monte Vista Water District. No change in this service will take place upon completion of the reorganization. The three industrial buildings will each connect to the existing 12-inch water main in East End Avenue.
- Law enforcement responsibilities, which are currently provided by the County Sheriff's Department, will transition to the City of Chino's Police Department following the completion of the reorganization.
- Solid waste services, currently provided by Waste Management within the reorganization area, will continue to serve the area upon completion of the reorganization since the City also contracts with Waste Management for its services.
- Fire protection and paramedic services are currently provided by the Chino Valley Independent Fire Protection District. No change will occur to this service provider through the reorganization. The reorganization area is 1.2 miles away from its Station #65, which serves the northern portion of Chino and SR 60.

There are no changes in existing service providers for the modified area.

It is the position of LAFCO staff that LAFCO 3268 is a straightforward and logical extension of service delivery by the City of Chino. As required by Commission policy and State law, the Plan for Service shows that the extension of the City's services will maintain, and/or exceed, current service levels provided through the County and is determined to be sustainable for the foreseeable future as evidenced by the Fiscal Impact Analysis.

ENVIRONMENTAL CONSIDERATIONS:

The City of Chino adopted a Mitigated Negative Declaration that was prepared for its Philadelphia Street Industrial Development Site and East End Annexation Project, which included the following actions:

- Prezone and Annexation (PL20-0003) – to annex approximately 56.87 acres of land and pre-zoning from San Bernardino County zoning designations of Regional Industrial (IR), Community Industrial (IC), and RS-20M (Single Residential – 20,000 square feet minimum) to the City of Chino’s zoning designation of Light Industrial (M1) and General Industrial (M2) consistent with the City’s General Plan, in conjunction with the proposed annexation of the East End Annexation site.
- Site Approval (PL20-0004) – to allow construction of three industrial buildings totaling 63,900 square feet, associated infrastructure, parking, sidewalk, and other site improvements.
- Tentative Parcel Map No. 20174 (PL20-0005) –to subdivide 3.59 gross acres of land into three parcels for development of three light industrial warehouse buildings with office space.

The City’s environmental assessment has been reviewed by the Commission’s Environmental Consultant, Tom Dodson of Tom Dodson and Associates, who determined that, if the Commission chooses to approve LAFCO 3268, the City’s documents are adequate for Commission’s use as a responsible agency under CEQA. The following are the necessary environmental actions to be taken by the Commission as a responsible agency under CEQA:

- a) Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City’s Initial Study and Mitigated Negative Declaration prepared for the Philadelphia Street Industrial Development Site and East End Annexation Project;
- b) Determine that the City’s environmental assessment and Mitigated Negative Declaration are adequate for the Commission’s use as a CEQA Responsible Agency for its consideration of LAFCO 3268;
- c) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures identified in the City’s environmental documents are the responsibility of the City and/or others, not the Commission; and,
- d) Direct the Executive Officer to file the Notice of Determination within five (5) days.

CONCLUSION:

The proposal was submitted in response to a development project within the reorganization area that requires municipal services from the City of Chino. The reorganization area not only includes the proposed development but a larger area that provides for an efficient and effective boundary for service delivery.

As noted in the staff report, a county boundary change to move the three parcels—whose structures currently split jurisdiction between San Bernardino and Los Angeles Counties—would provide for a clear and defined boundary for said parcels; however, the Commission acknowledges that a county boundary change is not a LAFCO process and requires coordination with multiple agencies that can take years to process. Therefore, to remove the potential of creating an island, the Commission has modified LAFCO 3268 to include the three parcels as part of the overall reorganization area.

For these reasons, and those outlined throughout the staff report, the staff supports the approval of LAFCO 3268, as modified, as the reorganization will benefit from the full range of municipal level services available from the City of Chino.

DETERMINATIONS:

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

1. The reorganization area is legally uninhabited, containing eleven (11) registered voters as of June 10, 2024, as certified by the County Registrar of Voters Office.
2. The County Assessor has determined that the total assessed value of land and improvements within the reorganization area, as modified, is \$52,608,612 (land - \$40,130,651 -- improvements - \$12,477,961).
3. The reorganization area is within the sphere of influence assigned the City of Chino.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in the *Inland Valley Daily Bulletin*, a newspaper of general circulation in the area. In addition, individual notices were provided to all affected and interested agencies, County departments, and those individuals and agencies having requested such notification. Comments from affected and interested agencies have been considered by the Commission in making its determination.
5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to landowners (26) and registered voters (11) within the reorganization area, (totaling 37 notices) and to landowners (552) and registered voters (910) surrounding the reorganization area (totaling 1,462 notices). Comments from registered voters, landowners, and other

individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.

6. The City of Chino has pre-zoned the reorganization area for the following land uses: M1 (Light Industrial) and M2 (General Industrial). These zoning designations are consistent with the City's General Plan. Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for two years following annexation unless specific actions are taken by the City Council.

Pre-zoning is not required for the additional three (3) parcels since these parcels are currently built-out with existing entitlements pursuant to Government Code Section 56375(a)(7). The City's land use designation for the additional area is Light Industrial, which is the default pre-zone designation (M1) for said area, which is also consistent with the City's General Plan.

7. The Southern California Associated Governments (SCAG) recently adopted its 2024-2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3268 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy.
8. The City of Chino has an adopted Local Hazard Mitigation Plan (approved by FEMA) as well as an approved Safety Element of its General Plan. The reorganization area is within an area considered to have a moderate threat to wildland fire.
9. The City of Chino, as a function of its review of the Philadelphia Street Industrial Development Site and East End Annexation Project which includes Prezone/Annexation (PL20-0003), Site Approval (PL20-0004) for the construction of three (3) industrial buildings totaling 63,900 square feet, and Tentative Parcel Map No. 20174 (PL20-0005), 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.

The Commission certifies that it has reviewed and considered the City's Mitigated Negative Declaration and the environmental effects as outlined in the Initial Study prior to reaching a decision on the project and finds the information substantiating the Mitigated Negative Declaration is adequate for its use in making a decision as a CEQA responsible agency. The Commission finds that it does not intend to adopt alternatives or additional mitigation measures for this project as all changes, alternations and mitigation measures are within the responsibility and jurisdiction of the City and/or other agencies and not the Commission; and finds that it is the responsibility of the City to oversee and implement these measures.

The Commission directs its Executive Officer to file a Notice of Determination within five (5) days with the San Bernardino County Clerk of the Board of Supervisors. The Commission, as a responsible agency, also notes that this proposal is exempt from

the California Department of Fish and Wildlife fees because the fees were the responsibility of the City of Chino as lead agency.

10. The local agencies currently serving the area are: County of San Bernardino, Chino Basin Water Conservation District, Chino Valley Independent Fire Protection District, Inland Empire Resource Conservation District, Monte Vista Water District, Inland Empire Utilities Agency, Metropolitan Water District of Southern California, West Valley Mosquito and Vector Control District, and County Service Area 70 (multi-function unincorporated area Countywide).

Upon reorganization, the territory will detach from County Service Area 70 and the sphere of influence for County Service Area 70 will be reduced as a function of the reorganization. None of the other agencies are affected by this proposal as they are regional in nature.

11. The City of Chino has submitted a plan for the provision of services as required by Government Code Section 56653, which indicates that the City can, at a minimum, maintain the existing level of service delivery and can improve the level and range of selected services currently available in the area. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements.
12. The reorganization area will benefit from the availability and extension of municipal services from the City of Chino.
13. The proposal complies with Commission policies that indicate the preference for areas proposed for development at an urban-level land use to be included within a City so that the full range of municipal services can be planned, funded, extended and maintained.
14. This proposal will not assist in the City's ability to achieve its fair share of the regional housing needs based upon the anticipated industrial land uses for the reorganization area.
15. With respect to environmental justice, the following demographic and income profile was generated using ESRI's Business Analyst within the City of Chino and within and around the reorganization area (2024 data):

Demographic and Income Comparison	City of Chino (%)	Subject Area & adjacent Unincorporated Sphere (%)
Race and Ethnicity		
• White Alone	27.4 %	33.9 %
• Black Alone	6.0 %	0.6 %
• American Indian Alone	1.5 %	0.9 %

• Asian Alone	21.0 %	8.4 %
• Pacific Islander Alone	0.2 %	0.2 %
• Some Other Race Alone	26.1 %	34.4 %
• Two or More Races	17.8 %	21.5 %
• Hispanic Origin (Any Race)	52.0 %	66.3 %
Median Household Income	\$106,713	\$107,286

The reorganization area will continue to benefit from the extension of services and facilities from the City and other agencies, at the same time, would not result in the deprivation of service or the unfair treatment of any person based on race, culture or income through approval of LAFCO 3268, as modified.

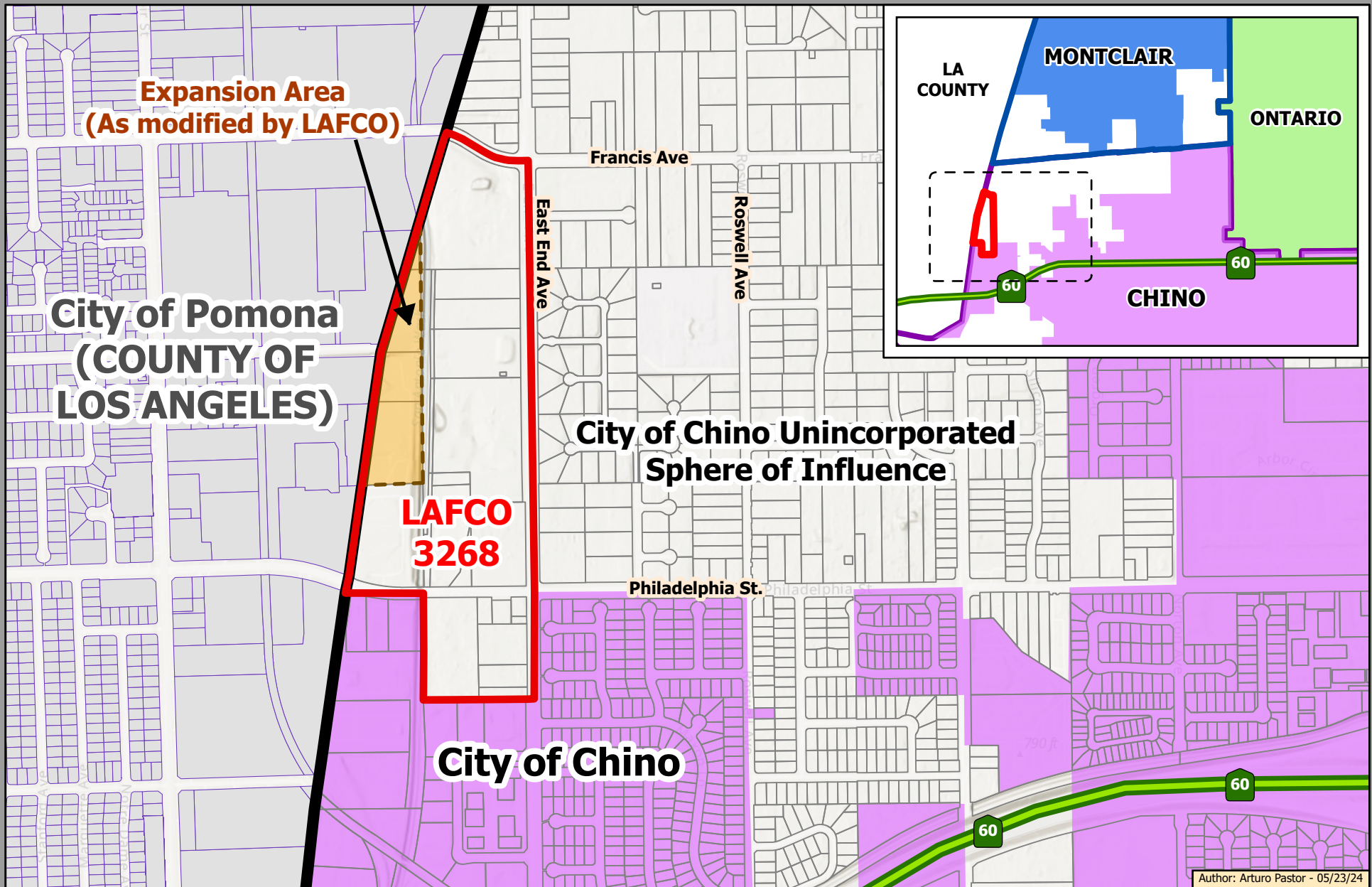
16. The City and County have negotiated the transfer of ad valorem taxes as required by State law for the area originally submitted by the City for annexation. Copies of the resolutions adopted by the City Council of the City of Chino and the San Bernardino County Board of Supervisors are on file in the LAFCO office outlining the exchange of revenues.

The Commission has amended the boundaries of this proposal, and any affected agency may request renegotiation of the ad valorem tax distribution due to the modification of boundaries as outlined in Revenue and Taxation Code Section 99 (b)(7).

17. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards.

Attachments:

- 1 -- Vicinity and Reorganization Maps of Modified Area
- 2 -- Application and Plan for Service including Fiscal Impact Analysis
- 3 -- City of Chino's Letter Dated May 1, 2024 Supporting the Modification of LAFCO 3268
- 4 -- San Bernardino County Resolution No. 2024-43 Opposition to LAFCO 3268 Unless Modified
- 5 -- Response from Tom Dodson and Associates including the City of Chino's Initial Study and Mitigated Negative Declaration for the Philadelphia Street Industrial Development Site and East End Annexation Project
- 6 -- Draft Resolution No. 3405



Vicinity Map

LAFCO 3268 - Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 (East End Annexation)

- | | | | |
|-----------------|-------------------|-------------|----------------|
| LAFCO 3268 | City of Chino | LAC Parcels | Expansion Area |
| County Boundary | Montclair Sphere | SBC Parcels | |
| Chino Sphere | City of Montclair | Highway | |

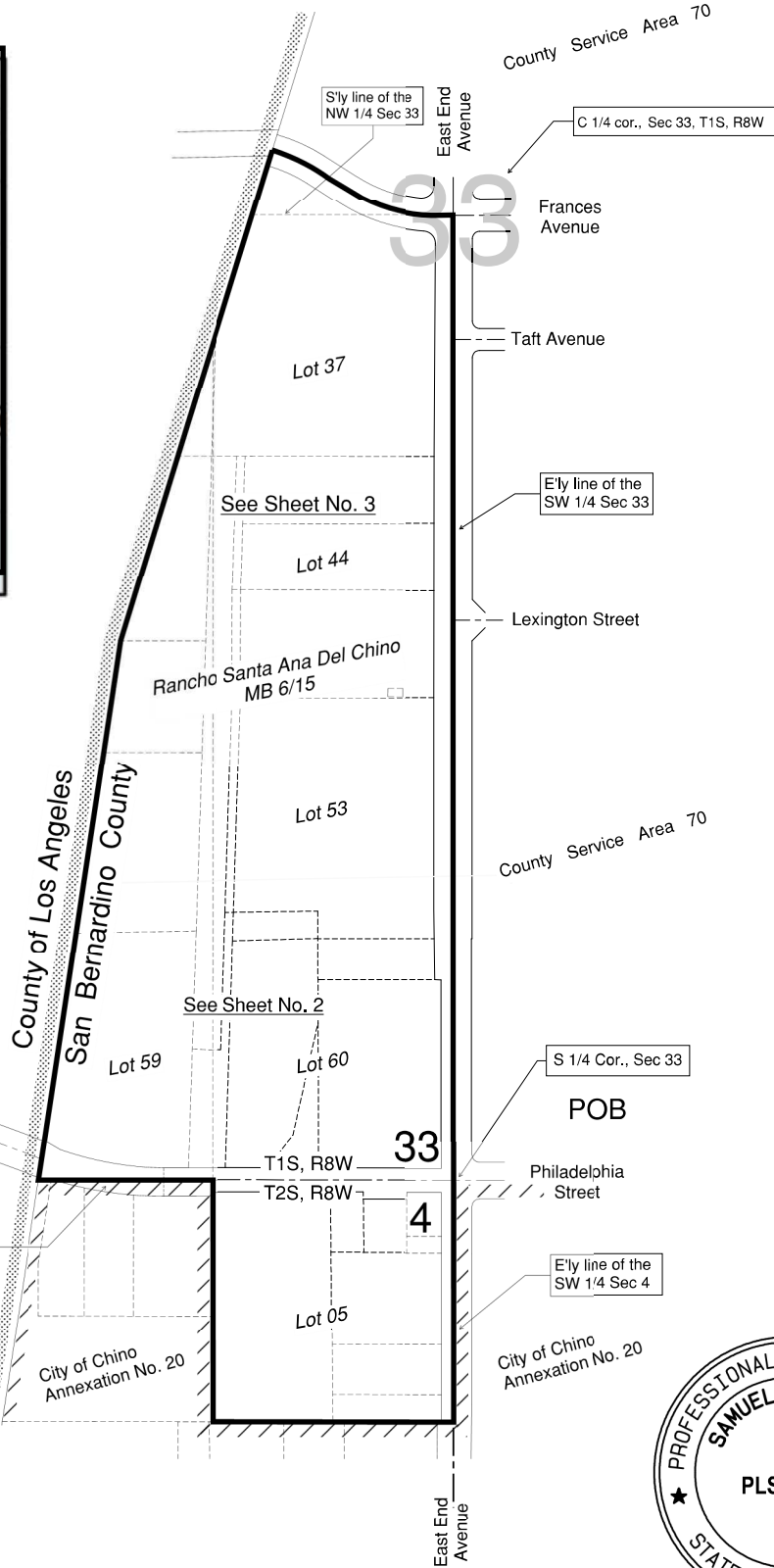
Disclaimer: This information shown is intended to be used for general display only and is not to be used as an official map.

0 125 250 500 Yards



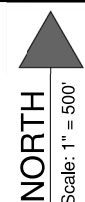
Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 (East End Annexation)

Vicinity Map



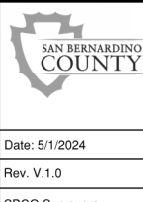
Legend

- Annexation boundary
- Existing County of Los Angeles boundary
- Existing City of Chino boundary



Affected Agencies:
City of Chino
San Bernardino County

Total Area:
65.06 AC



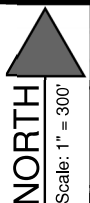
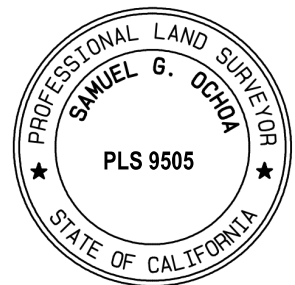
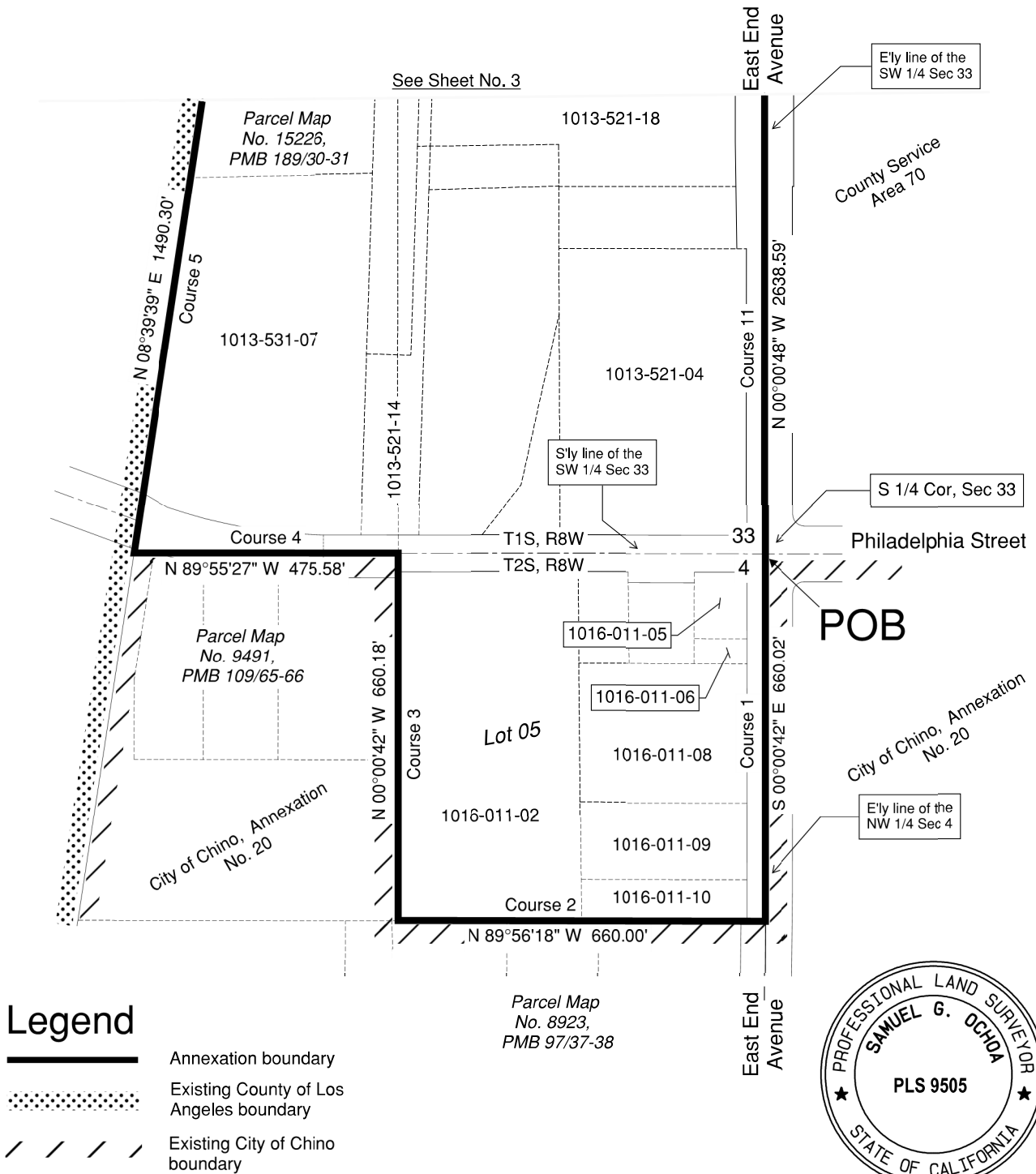
LAFCO 3268
Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 (East End Annexation)

Exhibit "A-1"
Sketch to Accompany a Legal Description

LAFCO 3268

Sheet 2 of 3

Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 (East End Annexation)



Affected Agencies:
City of Chino
San Bernardino County



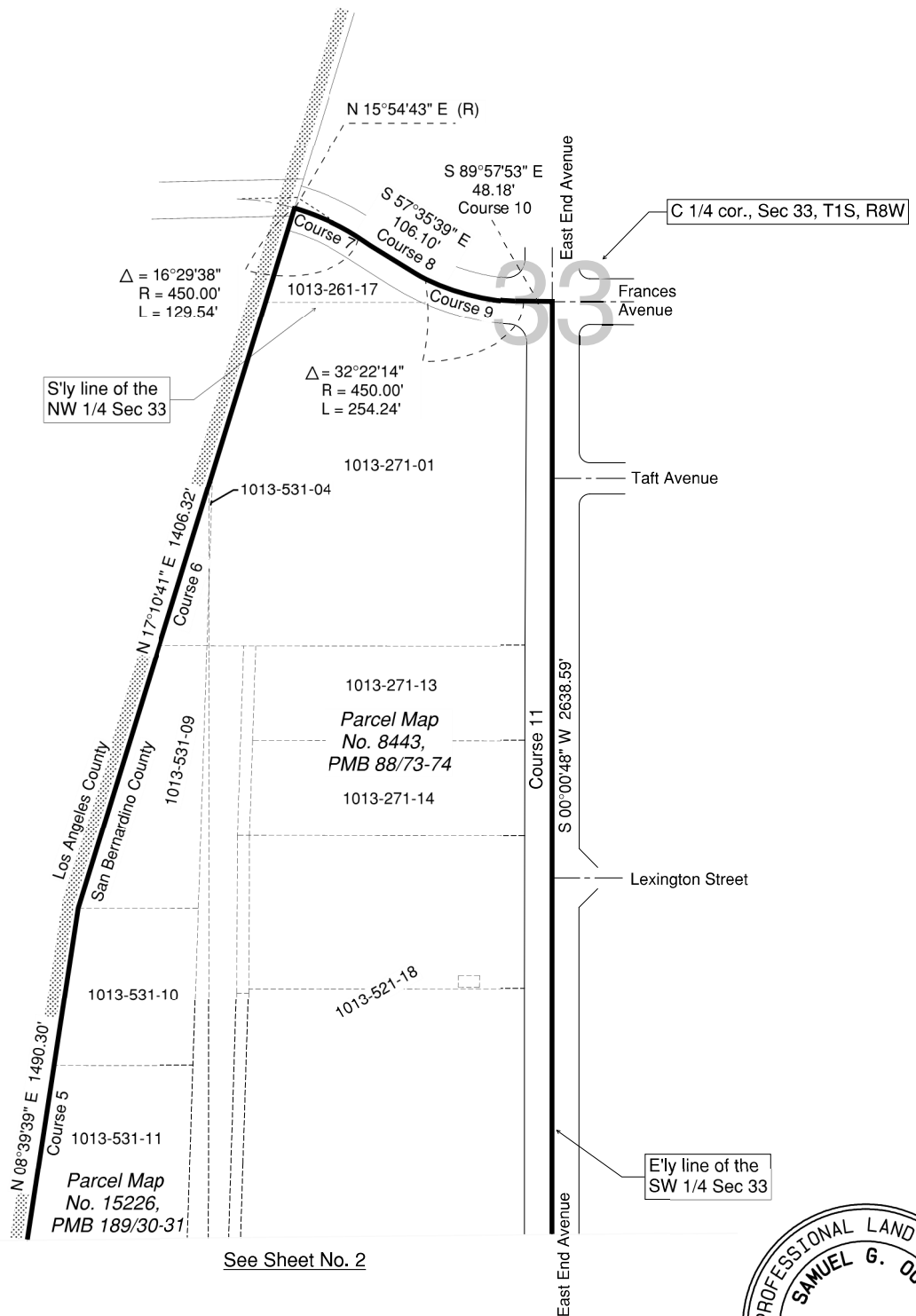
Date: 5/1/2024
Rev. V.1.0
SBCO Surveyors

LAFCO 3268
Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 (East End Annexation)

Exhibit "A-1"

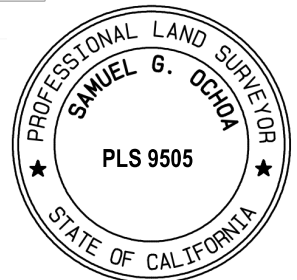
Sketch to Accompany a Legal Description

Reorganization to Include Annexation to the City of Chino and Detachment from
County Service Area 70 (East End Annexation)



Legend

- Annexation boundary
- Existing County of Los Angeles boundary



Affected Agencies:
City of Chino
San Bernardino County



Date: 5/1/2024
Rev. V.1.0
SBCO Surveyors

LAFCO 3268

Reorganization to Include Annexation to the City of Chino and Detachment
from County Service Area 70 (East End Annexation)

Exhibit "A-1"

Sketch to Accompany a Legal Description

SAN BERNARDINO LAFCO APPLICATION AND PRELIMINARY ENVIRONMENTAL DESCRIPTION FORM

INTRODUCTION: The questions on this form and its supplements are designed to obtain enough data about the application to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. By taking the time to fully respond to the questions on the forms, you can reduce the processing time for your proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, or attach any relevant documents.

GENERAL INFORMATION

1. NAME OF PROPOSAL: Philadelphia Street Industrial Development Site and East End Annexation Project.

2. NAME OF APPLICANT: City of Chino
 APPLICANT TYPE: ☐ Landowner ☒ Local Agency
 ☐ Registered Voter ☐ Other _____
 MAILING ADDRESS:
13220 Central Avenue, Chino, CA 91710

 PHONE: (909) 334-3250 _____
 FAX: () _____
 E-MAIL ADDRESS: KLe@cityofchino.org _____

3. GENERAL LOCATION OF PROPOSAL: The subject territory is between East End Avenue to the east, Francis Avenue to the north, Maxon Lane to the south, and the San Antonio Creek Channel to the west within the City of Chino Sphere of Influence. Santa Ana del Chino Land Grant: T 1 S, R 8 W, and T 2 S, R 8 W of the San Bernardino Base & Meridian.

4. Does the application possess 100% written consent of each landowner in the subject territory?
 YES ☐ NO ☒ If YES, provide written authorization for change.

5. Indicate the reason(s) that the proposed action has been requested. _____
City of Chino has a goal of eventually incorporating 100 percent of it's Sphere of Influence into it's jurisdictional City limits. A proposal for development of a 3.59-acre property (APN 1013-521-04) in unincorporated San Bernardino County adjacent to City limits includes annexation of the 3.59-acre property, plus an additional 53.28 acres (56.87 total acres), as determined by LAFCO to create logical boundaries that improve services therein and to create clear jurisdictional responsibilities.

LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres):
56.87 acres
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)
APNs 1016-011-03,-05,-06,-09,-10 and 1013-521-05: Six single-family residential units.
3. Approximate current population within area:
Approximately 21 permanent residents based on 3.5 average household size.
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):
General Industrial (M2) for heavy industrial/manufacturing uses that could generate heavy traffic, noise, odor (1-acre minimum lot size;single tenant). Light Industrial (M1) for industrial uses with fewer impacts on traffic, noise, odor (1-acre minimum lot size).

San Bernardino County General Plan designation(s) and uses permitted by this designation(s): Single Family Residential (RS-20M) minimum 20,000 square-foot lot; Regional Industrial (IR) for heavy industrial uses with incidental commercial uses; Community Industrial (IC) for light industrial, manufacturing, wholesale, warehouse, construction services.
5. Describe any special land use concerns expressed in the above plans. In addition, for a City Annexation or Reorganization, provide a discussion of the land use plan's consistency with the regional transportation plan as adopted pursuant to Government Code Section 65080 for the subject territory:
No special land use concerns. According to the Southern California Association of Governments (SCAG)'s 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the City's population, (continued on separate sheet)...
6. Indicate the existing use of the subject territory.
The 56.87-acre project site (subject territory) was previously utilized for orchard and row crop agriculture as early as the 1930s, by which time Philadelphia Street and East End Avenue proceeded in their current alignments through the site. (Continued on separate sheet)...

What is the proposed land use?
The proposed land use of the subject territory would be a combination of Heavy Industrial (M2) for heavy industrial/manufacturing uses and Light Industrial (M1) for industrial uses such as warehousing.
7. Will the proposal require public services from any agency or district which is currently operating at or near capacity (including sewer, water, police, fire, or schools)? YES ☐ NO ☒ If YES, please explain.

8. On the following list, indicate if any portion of the territory contains the following by placing a checkmark next to the item:

- | | |
|--|--|
| <input type="checkbox"/> Agricultural Land Uses | <input type="checkbox"/> Agricultural Preserve Designation |
| <input type="checkbox"/> Williamson Act Contract | <input type="checkbox"/> Area where Special Permits are Required |
| <input type="checkbox"/> Any other unusual features of the area or permits required: _____ | |

9. Provide a narrative response to the following factor of consideration as identified in §56668(p):
The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services:

The subject territory is currently zoned industrial and residential and does not include public facilities or services. The annexation into the City of Chino would result in rezoning the subject territory as general and light industrial (continued on separate sheet)...

ENVIRONMENTAL INFORMATION

1. Provide general description of topography. The subject territory is relatively flat with no steep slopes, and it is not located adjacent to any hillside areas. Slope aspect trends down to the south between zero and two percent.

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

Residential	<u>5</u> %	Agricultural	<u>0</u> %
Commercial	<u>0</u> %	Vacant	<u>6</u> %
Industrial	<u>89</u> %	Other	<u>0</u> %

3. Describe the surrounding land uses:

NORTH	<u>Industrial and commercial uses</u>
EAST	<u>Residential, commercial, and industrial uses</u>
SOUTH	<u>Industrial uses</u>
WEST	<u>Industrial uses</u>

4. Describe site alterations that will be produced by improvement projects associated with this proposed action (installation of water facilities, sewer facilities, grading, flow channelization, etc.).

Development of three industrial buildings totaling 63,900 square feet, associated infrastructure, parking, sidewalk, and other site improvements required by Chino on 3.59 acres (APN 1013-521-04) of vacant land within the subject territory.

5. Will service extensions accomplished by this proposal induce growth on this site? YES ☒
NO ☐ Adjacent sites? YES ☐ NO ☐ Unincorporated ☐ Incorporated ☐

Development of three industrial buildings totaling 63,900 square feet, associated infrastructure, parking, sidewalk, and other site improvements required by Chino on 3.59 acres (APN 1013-521-04) of vacant land (Continued on separate sheet)...

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☐
NO ☒ If YES, please identify.

7. Is this proposal a part of a larger project or series of projects? YES ☐ NO ☒ If YES, please explain.

NOTICES

Please provide the names and addresses of persons who are to be furnished mailed notice of the hearing(s) and receive copies of the agenda and staff report.

NAME Kim Le TELEPHONE NO. 909-334-3330

ADDRESS:
13220 Central Avenue, Chino, CA 91710

NAME Ryan Liu TELEPHONE NO. 626-575-3070 Ext. 231

ADDRESS:
4900 Santa Anita Avenue, Suite #2C, El Monte, CA 91731

NAME _____ TELEPHONE NO. _____

ADDRESS:

CERTIFICATION

As a part of this application, the City/Town of Chino, or the _____
District/Agency, _____ (the applicant) and/or the _____ (real party in
interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify,
hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees,

and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

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

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

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

DATE

12-4-23



SIGNATURE

Linda Reich

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

City Manager, City of Chino

Title and Affiliation (if applicable)

PLEASE CHECK SUPPLEMENTAL FORMS ATTACHED:

- ☒ ANNEXATION, DETACHMENT, REORGANIZATION SUPPLEMENT
- ☐ SPHERE OF INFLUENCE CHANGE SUPPLEMENT
- ☐ CITY INCORPORATION SUPPLEMENT
- ☐ FORMATION OF A SPECIAL DISTRICT SUPPLEMENT
- ☐ ACTIVATION OR DIVESTITURE OF FUNCTIONS AND/OR SERVICES FOR SPECIAL DISTRICTS SUPPLEMENT

SAN BERNARDINO LAFCO
APPLICATION AND PRELIMINARY
ENVIRONMENTAL DESCRIPTION FORM
(Continuation sheets)

LAND USE AND DEVELOPMENT POTENTIAL

5. ... households, and employment are forecast to increase by approximately 34,400 residents, 9,900 households, and 7,400 jobs, between 2016 and 2045.¹ As detailed in the City's General Plan, the City estimated approximately 141,067 residents, 38,814 households, and 83,255 jobs in the City and its Sphere of Influence by 2025,² which clearly exceed the estimates generated by SCAG for the same time period and through 2045. Since the City's General Plan incorporates existing and anticipated development in the Sphere of Influence when projecting future population, housing, and jobs in the City, projections for future development in the City of Chino include population, housing, and jobs associated with buildout of the Industrial Development Site and East End Annexation area with industrial uses.

Pedestrian System. Sidewalks within the 56.87-acre East End Annexation Area exist for approximately 1,000 feet along the west side of East End Avenue along the frontage of the Scott Bros. Dairy facility. The balance of the annexation area does not contain sidewalks and therefore does not facilitate adequate pedestrian access to or from neighboring land uses.

The proposed 3.59-acre industrial development on APN 1013-521-04 of the East End Annexation Area includes frontage improvements along East End Avenue and Philadelphia Street to include curb and gutter, sidewalks, street trees, and lighting. Additionally, implementation of a four-way traffic signal at the East End Avenue and Philadelphia Street intersection that would include a crosswalk at the southeast corner of the site near project driveways along East End Avenue and Philadelphia Street would facilitate pedestrian access and reduce the existing pedestrian system gap in the site vicinity pursuant to Chino General Plan Objective TRA-11.1, Policy 3. Accordingly, implementation of the project would not conflict with a program, plan, ordinance, or policy addressing the pedestrian system.

Transit Services. Public transit within the East End Annexation Area is provided via Foothill Transit Line 195 at the intersections of S. Reservoir Street and Philadelphia Street and S. Reservoir Street and Franklin Avenue 0.35 mile to the west. By introducing employment generating uses in proximity to an existing bus stop, the proposed 3.59-acre industrial

¹ Southern California Association of Governments (SCAG). 2020. *Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy*. Website: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176 (accessed January 2023).

² City of Chino. *City of Chino General Plan 2025. Project Description*. Table 3-1 Estimated Development Under the General Plan and Focused Growth Plan. Approved and Adopted July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

development on APN 1013-521-04 of the East End Annexation Area would facilitate increased transit mobility in the vicinity. The proposed industrial development would be site specific and would not require new transit stops or the significant relocation of existing transit stops. Implementation of the project would not conflict with a program, plan, ordinance, or policy addressing the transit services system.

Bicycle Facilities: Bicycle access through the East End Annexation Area is provided via Class III bike facilities along Philadelphia Street and East End Avenue. Development of the proposed 3.59-acre industrial development on APN 1013-521-04 of the East End Annexation Area includes half-width buildout of Philadelphia Street and East End Avenue pursuant to the Chino General Plan designation for a Secondary Arterial Street to provide additional road width for vehicles and bicycles to co-operate and further facilitate bicycle connectivity in the community. Additionally, the industrial development includes five designated bicycle parking spaces in accordance with Chino General Plan Objectives TRA-10.1, Policy 2 and TRA-10.2, Policy 3. Implementation of the project would not conflict with a program, plan, ordinance, or policy addressing Chino's bicycle facilities system.

By installing a signal at the East End Avenue/Philadelphia Street intersection, which has been incorporated into the project design, level of service would improve at the affected intersection, and the project would not conflict with a program, plan, ordinance, or policy addressing Chino's circulation system.

6. San Antonio Creek, a natural north-south drainage flowing generally along the western site boundary, was channelized via a concrete box channel in the mid-1950s.¹ Predominant agricultural activities on the project site began to cede to industrial development in the 1970s and 1980s. Offsite residential development within the City of Chino east of East End Avenue generally coincided with development of the project site during the 1970s and 1980s.² The majority of the project site is developed with industrial uses, along with six single-family residential properties.
9. ...in accordance with the Chino General Plan land use and zoning designations for the subject territory. The proposal would not conflict with the promotion of environmental justice with respect to the location of public facilities and the provision of public services, where appropriate and applicable.

¹ Ibid.

² Nationwide Environmental Title Research, LLC. Historic Aerials by NETRONLINE. Aerial Photographs (1972, 1980, 1985, 1987, 1992) <https://historicaerials.com/viewer> (accessed April 15, 2022).

ENVIRONMENTAL INFORMATION

5. ...within the subject territory would include interconnection to the existing municipal stormwater infrastructure along Philadelphia Street and/or East End Avenue. The Monte Vista Water District¹ and the Inland Empire Utilities Agency (IEUA)² are responsible for the site's water and wastewater services, respectively. Additionally, development of the 3.59-acre site would include interconnection to existing municipal gas, electrical, and storm drains within the Philadelphia Street and/or East End Avenue right-of-way. The IEUA would provide wastewater service to the 3.59-acre site, and annexation to IEUA would be necessary before wastewater service is established for the site. A condition of this IEUA annexation is the imposition of the standby charges. Overall, this IEUA annexation is an administrative and fiscal action, which does not result in a tangible change in the physical environment.

¹ Monte Vista Water District. Service Area Map. No date.
<https://www.mvwd.org/DocumentCenter/View/985/Map-of-MVWD-Service-Area> [\(accessed](#) April 13, 2022).

² Inland Empire Utilities Agency. Service Area Map. No date.
<https://www.arcgis.com/apps/mapviewer/index.html?layers=332812709cee4554b32bc6f31df1a9fe> [\(accessed](#) April 13, 2022).

SUPPLEMENT

ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS

INTRODUCTION: The questions on this form are designed to obtain data about the specific annexation, detachment and/or reorganization proposal to allow the San Bernardino LAFCO, its staff and others to adequately assess the proposal. You may also include any additional information which you believe is pertinent. Use additional sheets where necessary, and/or include any relevant documents.

1. Please identify the agencies involved in the proposal by proposed action:

ANNEXED TO
City of Chino

DETACHED FROM
County Service Area 70

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

a. Has pre-zoning been completed? YES ☒ NO ☐

b. If the response to "a" is NO, is the area in the process of pre-zoning? YES ☐ NO ☐

Identify below the pre-zoning classification, title, and densities permitted. If the pre-zoning process is underway, identify the timing for completion of the process.

Light Industrial (IL) 1-acre minimum lot size and generally only single-tenant uses
are permitted with a 0.6 Floor-Area Ratio (FAR). General Industrial (IG) 1-acre
minimum lot size and generally only single-tenant uses are permitted with a 0.6
FAR.

3. For a city annexation, would the proposal create a totally or substantially surrounded island of unincorporated territory?
YES ☒ NO ☐ If YES, please provide a written justification for the proposed boundary configuration.
Assessor Parcel Numbers 1013-531-09, -10, and -11 would remain under San Bernardino
County jurisdiction because these parcels bisect their subject properties through the
middle of on-site buildings that straddle also the Los Angeles County boundary.
Discussions are underway between the County jurisdictions to resolve this.
4. Will the territory proposed for change be subject to any new or additional special taxes, any new assessment districts, or fees?

Only standard City of Chino taxes.

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

Only standard County of San Bernardino taxes.

6. If a Williamson Act Contract(s) exists within the area proposed for annexation to a City, please provide a copy of the original contract, the notice of non-renewal (if appropriate) and any protest to the contract filed with the County by the City. Please provide an outline of the City's anticipated actions with regard to this contract.

No Williamson Act Contracts within the area proposed for annexation.

7. Provide a description of how the proposed change will assist the annexing agency in achieving its fair share of regional housing needs as determined by SCAG.

The proposed annexation area is within the Chino Sphere of Influence and already designated entirely Light Industrial and General Industrial in the City's General Plan and Zoning Ordinance. Therefore, annexation would not conflict with the City's plan to achieve its fair share of regional housing needs as determined by SCAG.

8. **PLAN FOR SERVICES:**

For each item identified for a change in service provider, a narrative "Plan for Service" (required by Government Code Section 56653) must be submitted. This plan shall, at a minimum, respond to each of the following questions and be signed and certified by an official of the annexing agency or agencies.

- A. A description of the level and range of each service to be provided to the affected territory.
- B. An indication of when the service can be feasibly extended to the affected territory.
- C. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.
- D. The Plan shall include a Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditures. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.

- E. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district.
- F. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).

CERTIFICATION

As a part of this application, the City/Town of Chino, or the _____ District/Agency, _____ (the applicant) and/or the _____ (real party in interest - landowner and/or registered voter of the application subject property) agree to defend, indemnify, hold harmless, promptly reimburse San Bernardino LAFCO for all reasonable expenses and attorney fees, and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

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

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

As the proponent, I acknowledge that annexation to the City/Town of Chino or the _____ District/Agency may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles XIIIC and XIIID of the State Constitution (Proposition 218) to a hearing, assessment ballot processing or an election on those existing taxes, fees and assessments.

I hereby certify that the statements furnished above and the documents attached to this form present the data and information required to the best of my ability, and that the facts, statements, and information presented herein are true and correct to the best of my knowledge and belief.

DATE

12-4-23

SIGNATURE



Linda Reich

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

City Manager, City of Chino
Title and Affiliation (if applicable)



CHINO EEAA AND PSIC ANNEXATION: PLAN FOR SERVICE AND FISCAL ANALYSIS

Prepared for:
Golden Management Services Inc.

October 20, 2022

(Chapter 3 updated March 8, 2024)

SUBMITTED BY:



T H E N A T E L S O N D A L E G R O U P , I N C .
YORBA LINDA, CA • www.natelsondale.com
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Executive Summary

This report presents the plan for service and fiscal analysis of the proposed annexation of the East End Annexation Area (EEAA), including the 3.2-acre Philadelphia Street Industrial Center (PSIC) development, into the City of Chino. Whereas a specific development project is currently proposed for the PSIC, potential development within other portions of the EEAA is unknown at this time. However, since the City will require annexation of the overall EEAA as a single “project” for LAFCo purposes, this analysis evaluates the potential fiscal impacts of the specific land uses proposed for the PSIC and an assumed land use mix for the balance of the EEAA. In this regard, the analysis does not assume full buildout of the EEAA but considers estimated development within the 5-year forecast horizon required for LAFCo fiscal studies. Chapter 2 details the study’s land use assumptions.

In keeping with the LAFCo guidelines for reports of this type, the cost and revenue categories included reflect those associated with municipal revenues and functions that would be absorbed by the City upon annexation of the Project. For the City’s budget, this includes the categories listed below.

General Fund and Relevant Other Accounts, Annual Recurring Revenues

- Property Taxes
- VLF-Property Tax in Lieu
- Property Transfer Tax
- Off-Site Retail Sales and Use Tax
- Proposition 172 Half Cent Sales Tax
- Measure I 2010-2040 Half Cent Sales Tax
- Franchise Fees
- Transfers In: State Gas Tax
- Transfers In: From Other City Funds

General Fund and Relevant Other Accounts, Annual Recurring Costs

- General Government
- Police Protection
- Community Services
- Community Development
- Public Works: Street Maintenance
- Public Works: Other Costs

Property Tax Scenarios Considered in this Analysis

Consistent with the City’s current discussions with LAFCo, this analysis considers two scenarios regarding the share of the 1% property tax levy that would accrue to the City’s General Fund:

- **“Half Share” Property Tax Scenario** – assumes 5.4% of the 1% property tax levy accrues to City’s General Fund
- **“Full Share” Property Tax Scenario** – assumes 10.8% of the 1% property tax levy accrues to City’s General Fund

CHINO EAST END ANNEXATION AREA (EEAA) AND PHILADELPHIA STREET INDUSTRIAL CENTER (PSIC) DEVELOPMENT: PLAN FOR SERVICE AND FISCAL ANALYSIS

The Natelson Dale Group Inc.

Summary Conclusion

A summation of the annexation area's projected annual recurring revenues and costs, for the categories listed above, is shown on Table E-1 below. Based on the conservative revenue assumptions used in this analysis (as described further below), the annexation area would:

- Generate a small fiscal deficit (\$2,200 per year) to the City under the "half share" property tax scenario; and
- Generate a fiscal surplus of \$22,600 per year under the "full share" property tax scenario.

Under more favorable revenue assumptions (see discussion of potential sales tax revenues below), the annexation area would potentially generate a significantly larger annual surplus for the City (even under the "half share" property tax scenario).

TABLE E-1. SUMMARY OF ANNUAL FISCAL IMPACTS AT BUILDOUT

Annual Impact at Buildout	Property Tax Scenario	
	Half Share	Full Share
Total Recurring Revenues	\$46,842	\$71,665
Total Recurring Costs	\$49,024	\$49,024
Annual Recurring Surplus/Deficit	-\$2,183	\$22,641

Source: Table 5-3a and Table 5-3b.

Whereas most revenue sources associated with the project are reasonably predictable based on standard development assumptions, one key revenue item – sales tax – can vary widely for industrial buildings based on the specific tenant type(s) occupying the space. Some industrial businesses generate substantial sales tax revenue (due to "point of sale" business activities) while some industrial tenants generate little or no sales tax. Based on available data, The Natelson Dale Group, Inc. (TNDG) estimates that existing industrial space in the combined Chino/Chino Hills area generates average taxable sales of \$32.20 per square foot of building area.¹

Given that specific tenants are not currently known for the PSIC or the overall EEAA, it is reasonable to expect that the tenant mix (and therefore the level of sales tax generation) for project would mirror the overall makeup of Chino's industrial market. However, in order to remain analytically conservative (per direction from City staff), the fiscal analysis assumes that no sales tax revenue would be generated by the proposed project.

Based on estimated industrial sales tax generation in other Inland Empire cities, TNDG believes that it is highly likely that the proposed project would generate significant taxable sales. TNDG estimates industrial

¹ This factor was derived from two sources: 1) total taxable sales during Calendar Year 2021 in the "All Other Outlets" (i.e., non-retail) sales category as reported by the California Department of Tax and Fee Administration and 2) total square feet of industrial buildings in Chino/Chino Hills as reported by Kidder Matthews (Q2 2022 industrial "Market Trends" report for the Inland Empire). Specifically, total taxable sales of \$1,758,858,921 divided by a total industrial inventory of 54,627,425 square feet equals average taxable sales of \$32.20 per square foot.

taxable sales PSF in other key Inland Empire sub-markets as follows²: Corona (\$53.24), Fontana (\$14.19), Jurupa Valley (\$20.33), Moreno Valley (\$8.83), Ontario (\$32.38), Perris (\$9.12), Rancho Cucamonga (\$21.51), Redlands (\$7.08), Rialto (\$40.77), Riverside (\$32.55), and San Bernardino (\$16.86). The weighted average for these 12 sub-markets is \$25.11 per square foot.

As indicated by the above data, the potential exists for the project to substantially outperform the conservative “no sales tax” assumption used in this analysis. For example, if the project achieved taxable sales equivalent to the existing average for the 12 sub-markets noted above (\$25.11 PSF), the project would generate a net fiscal surplus for the City of \$41,600 per year under the half-share property tax scenario and \$66,400 per year under the full-share property tax scenario. If the project achieved taxable sales equivalent to the existing average for the Chino/Chino Hills area (\$32.20 PSF), the project would generate a net fiscal surplus for the City of \$53,900 per year under the half-share property tax scenario and \$78,800 per year under the full-share property tax scenario. Table E-2 below compares the net fiscal impact of the project under the various property and sales tax scenarios considered in this analysis.

**TABLE E-2. COMPARISON OF NET FISCAL IMPACTS AT BUILDOUT
BY SALES TAX AND PROPERTY TAX SCENARIO**

Taxable Sales Assumptions	Property Tax Scenario	
	Half Share	Full Share
No Taxable Sales	-\$2,183	\$22,641
Taxable Sales @ \$25.11/square foot	\$41,573	\$66,397
Taxable Sales @ \$32.20/square foot	\$53,928	\$78,752

Source: The Natelson Dale Group, Inc. (TNDG).

² These estimates were derived using the same data sources used for Chino (as described in the previous footnote).

Chapter 1: Introduction

This report presents the plan for service and fiscal analysis of the proposed annexation of the East End Annexation Area (EEAA), including the Philadelphia Street Industrial Center (PSIC) development, into the City of Chino. The overall EEAA totals approximately 46.48 acres in the County of San Bernardino unincorporated area, adjacent to the city of Chino boundary and within the city's sphere of influence. The PSIC site totals 3.2 acres and is a part of the larger EEAA. The PSIC property consists of mostly vacant land with an existing single-family residential structure (see Figure 1). The Project developer for the PSIC proposes to construct 60,000 square feet of industrial space on the property.

Purpose of the study

The Local Agency Formation Commission (LAFCo) for San Bernardino County requires a Plan For Service and Fiscal Impact Analysis (Analysis) be prepared when a jurisdiction is affected by a proposed change such as the annexation proposed for this Project. According to the San Bernardino *LAFCO Policy and Procedure Manual* (2020), the Analysis needs to address:

- A. A description of the level and range of each service to be provided to the affected territory.
- B. An indication of when the service can be feasibly extended to the affected territory.
- C. An identification of any improvement or upgrading of structures, roads, water or sewer facilities, other infrastructure, or other conditions the affected agency would impose upon the affected territory.
- D. The Plan shall include a Fiscal Impact Analysis which shows the estimated cost of extending the service and a description of how the service or required improvements will be financed. The Fiscal Impact Analysis shall provide, at a minimum, a five (5)-year projection of revenues and expenditures. A narrative discussion of the sufficiency of revenues for anticipated service extensions and operations is required.
- E. An indication of whether the annexing territory is, or will be, proposed for inclusion within an existing or proposed improvement zone/district, redevelopment area, assessment district, or community facilities district [does not apply to this analysis].
- F. If retail water service is to be provided through this change, provide a description of the timely availability of water for projected needs within the area based upon factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).

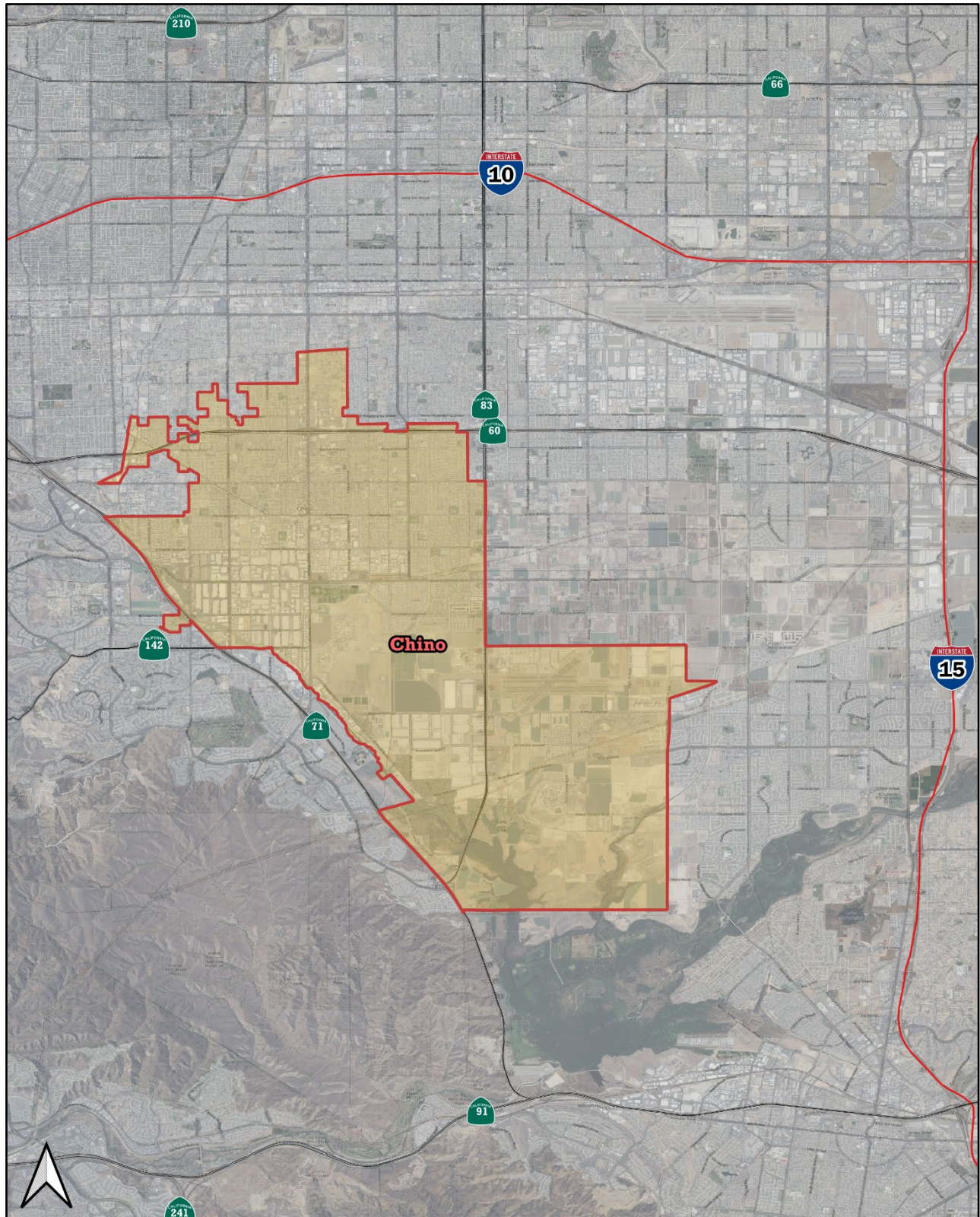
In keeping with the LAFCo guidelines, the cost and revenue categories included in this report reflect costs and revenues associated with municipal functions that would be absorbed by the City upon annexation of the Project. Within the City's budget, this includes amounts for a broad range of General Fund-related activities plus specific functions associated with, primarily, the Public Works Department. The intent is to align cost categories with corresponding revenue sources, tabulating the effects on each due to the annexation. Additional discussion pertaining to the conceptual basis for the figures used in the analysis is provided in table footnotes.

Figures 1-1 and 1-2 below show Chino and the annexation area, respectively.

CHINO EAST END ANNEXATION AREA (EEAA) AND PHILADELPHIA STREET INDUSTRIAL CENTER (PSIC) DEVELOPMENT: PLAN FOR SERVICE AND FISCAL ANALYSIS

The Natelson Dale Group Inc.

FIGURE 1-1. REGIONAL LOCATION

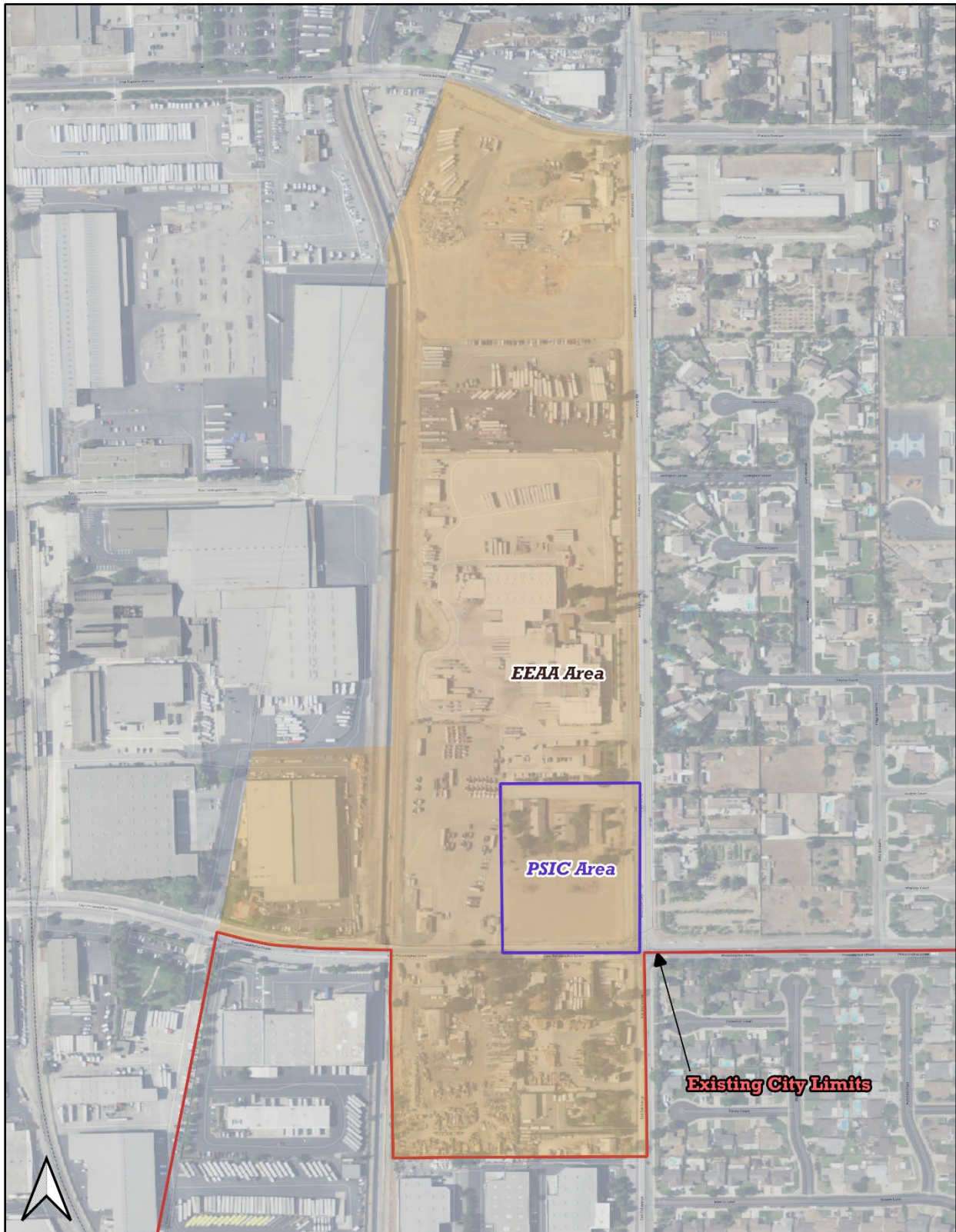


Sources: The Natelson Dale Group, Inc.; US Census; Open Street Map CC By 4.0

**CHINO EAST END ANNEXATION AREA (EEAA) AND PHILADELPHIA STREET INDUSTRIAL CENTER (PSIC)
DEVELOPMENT: PLAN FOR SERVICE AND FISCAL ANALYSIS**

The Natelson Dale Group Inc.

FIGURE 1-2. EEAA ANNEXATION AREA



Sources: The Natelson Dale Group, Inc.; US Census; Open Street Map CC By 4.0; San Bernardino County GIS
CHINO EAST END ANNEXATION AREA (EEAA) AND PHILADELPHIA STREET INDUSTRIAL CENTER (PSIC)
DEVELOPMENT: PLAN FOR SERVICE AND FISCAL ANALYSIS

The Natelson Dale Group Inc.

Organization of the Report

Chapter 2 includes a description of the Project's planned improvements and information pertaining to property taxes associated with the Project. Chapter 3 addresses conditions pertaining to public facilities/services before and after the proposed annexation. Chapter 4 derives cost and revenue projection factors from the City's budget, for purposes of the fiscal impact forecasts. Chapter 5 summarizes the fiscal impacts related to the proposed annexation area. Chapter 6 presents the one-time fees and charges that would be paid to the City by the Project. Supporting fiscal documentation is shown in Appendix A.

Chapter 2: Project Description

Planned Improvements

Within the PSIC portion of the EEAA, the Developer proposes to construct 60,000 square feet of industrial space on a 3.2-acre site. Whereas a specific development project is currently proposed for the PSIC, potential development for the balance of the EEAA is unknown at this time. However, since the City will require annexation of the overall EEAA as a single “project” for LAFCo purposes, this analysis evaluates the potential fiscal impacts of the specific land uses proposed for the PSIC and an assumed land use mix for the balance of the EEAA. In this regard, the analysis assumes that an additional 100,000 square feet of industrial space (i.e., over and above the PSIC Project) would be developed within the 5-year forecast horizon required by LAFCo. Thus, the analysis considers total EEAA development (including the PSIC) of 160,000 square feet of industrial space. See Table 2-1 for the assumed phasing of this development.

TABLE 2-1. PROJECT DESCRIPTION
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS

Phasing of future development (5 years):	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Industrial Buildings (square feet)						
PSIC (Building 1)	25,000	0	0	0	0	25,000
PSIC (Building 2)	19,500	0	0	0	0	19,500
PSIC (Building 3)	15,500	0	0	0	0	15,500
EEAA	0	25,000	25,000	25,000	25,000	100,000
Total	60,000	25,000	25,000	25,000	25,000	160,000
Cumulative	60,000	85,000	110,000	135,000	160,000	
Acres Absorbed During Year						
	3.20	1.33	1.33	1.33	1.33	
Cumulative acres absorbed						
	3.20	4.53	5.87	7.20	8.53	
Total Dwelling Units (beginning of year)						
	3	2	2	2	2	
Dwelling Units Demolished During Year						
	1	0	0	0	0	
Total Dwelling Units (end of year)						
	2	2	2	2	2	
Cumulative Population by Year						
	7	7	7	7	7	
New Employees per Year						
	40	17	17	17	17	
Cumulative Employees per Year						
	40	57	73	90	107	
Total Service Population by Year						
	27	35	44	52	60	

Sources: The Natelson Dale Group, Inc.; Developer

The indicated numbers of employees reflect an assumed employment density of one job per 1,500 square feet of industrial space. The “service population” numbers assume that on “daytime” employee is equivalent to 50% of a full-time City resident in terms of demand on public services.

CHINO EAST END ANNEXATION AREA (EEAA) AND PHILADELPHIA STREET INDUSTRIAL CENTER (PSIC) DEVELOPMENT: PLAN FOR SERVICE AND FISCAL ANALYSIS

The Natelson Dale Group Inc.

Table 2-2 below provides a summary of the public streets that would become the City's maintenance responsibility upon annexation of the EEAA. The City-maintained streets would include existing streets currently maintained by the County, as well some additional lanes that would be developed at some future date. Per City staff, the new lanes would mostly likely be developed *after* the five-year timeframe for this analysis. However, in order to fully account for this potential cost, the analysis assumes that the new lanes would be operational by Year 5. The analysis assumes that any new *internal* streets (i.e., developed within individual business parks) would be privately maintained.

**TABLE 2-2. PUBLICLY MAINTAINED INFRASTRUCTURE
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS**

Off-Site Roads to be Maintained by City						
Street Segment	Length	Existing Lanes to be Annexed		Future Lanes to be Developed		
East End Avenue – from 660' South of Philadelphia Street to Philadelphia Street, west half	660'	1 lane (0.125 lane miles)		1 lane (0.125 lane miles)		
East End Avenue – from Philadelphia Street to Francis Avenue, west half (existing)	1,000'	2 lanes (0.379 land miles)				
East End Avenue – from Philadelphia Street to Francis Avenue, west half (future widening)	1,660'	1 lane (0.314 lane miles)		1 lane (0.314 lane miles)		
Philadelphia Street – county line to channel, north half	460'	1 lane (0.087 lane miles)		1 lane (0.087 lane miles)		
Philadelphia Street – channel to East End Avenue, full width	680'	2 lanes (0.258 lane miles)		2 lanes (0.258 lane miles)		
Francis Avenue – county line to East End Avenue, south half	525'	1 lane (0.099 lane miles)		1 lane (0.099 lane miles)		
Totals	4,985'	1.262 lane miles		0.883 lane miles		
5-Year Projection		Year 1	Year 2	Year 3	Year 4	Year 5
New Publicly Maintained Road Lineal Miles¹						
On-Site: New Internal Roads		0.00	0.00	0.00	0.00	0.00
Off-Site: Subdivision's Share of New Off-Site Roads, Lane-miles		1.56	0.00	0.00	0.00	0.00
Total New Road Lineal Lane-Miles		1.56	0.00	0.00	0.00	0.00
Cumulative lane miles		1.56	1.56	1.56	1.56	1.56

Source: The Natelson Dale Group, Inc.; Developer

Assessed Valuation and Property Tax

Table 2-3 shows the projected assessed valuation of the Project, and various property tax implications. The assessed valuation is based on a projected development value (including land and improvements) of \$180 per square foot of industrial building area.

**TABLE 2-3. PROJECTED ASSESSED VALUATION AND PROPERTY TAX
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS**

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Industrial Buildings (square feet)						
PSIC	60,000	0	0	0	0	60,000
EEAA	0	25,000	25,000	25,000	25,000	100,000
Total	60,000	25,000	25,000	25,000	25,000	160,000
Cumulative	60,000	85,000	110,000	135,000	160,000	
Assessed Valuation						
Assessed Value of Undeveloped Land (beginning of year)	\$21,073,673	\$19,609,906	\$19,000,003	\$18,390,100	\$17,780,197	
Assessed Value of New Development	\$10,800,000	\$4,500,000	\$4,500,000	\$4,500,000	\$4,500,000	
Adjustment for Previous AV of Developed Land	(\$1,463,767)	(\$609,903)	(\$609,903)	(\$609,903)	(\$609,903)	
Net Annual Change in Assessed Valuation	\$9,336,233	\$3,890,097	\$3,890,097	\$3,890,097	\$3,890,097	
Cumulative New Valuation (for Property Tax calculations)	\$30,409,906	\$34,300,003	\$38,190,100	\$42,080,197	\$45,970,294	
Projected Property Tax						
Cumulative 1 Percent Tax Levy	\$304,099	\$343,000	\$381,901	\$420,802	\$459,703	
City (half-share scenario)	\$16,421	\$18,522	\$20,623	\$22,723	\$24,824	
City (full-share scenario)	\$32,843	\$37,044	\$41,245	\$45,447	\$49,648	
Projected VLF-Property Tax In Lieu						
Total Valuation for Purposes of VLF-Property Tax In Lieu ¹	\$9,336,233	\$13,226,330	\$17,116,427	\$21,006,524	\$24,896,621	
Total Annual VLF-Property Tax In Lieu ²	\$6,478	\$9,177	\$11,875	\$14,574	\$17,273	
Chino Valley Fire District Payment (cost to City's General Fund)						
City "make whole" payment to Fire District ³	\$1,192	\$1,345	\$1,497	\$1,650	\$1,802	

Notes:

1. See Table 4-2.

2. See Table 4-2.

3. Fire protection for the project area is currently provided by the Chino Valley Fire District, and the District will continue to serve the project area after annexation. Upon annexation, the City will be required to make the Fire District whole to 15.071154% of the 1% property tax. The Fire District's existing share in this Tax Rate Area is 14.679153%. The difference (0.392001%) is reflected in this analysis as an added General Fund cost to the City.

Source: The Natelson Dale Group, Inc.; Developer; San Bernardino County Assessor, Property Information Management System (PIMS), Year 2022 TaxRoll.

CHINO EAST END ANNEXATION AREA (EEAA) AND PHILADELPHIA STREET INDUSTRIAL CENTER (PSIC) DEVELOPMENT: PLAN FOR SERVICE AND FISCAL ANALYSIS

The Natelson Dale Group Inc.

Table 2-4 shows the assessed valuation of the Project site as it currently exists (as of Year 2022 Tax Roll).

**TABLE 2-4. ESTIMATED EXISTING ASSESSED VALUATION OF ANNEXATION AREA
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS**

Parcel Information Category	Values		
	EEA	PSIC	Total
2022 Assessed Valuation:			
Land	\$9,830,471	\$2,165,840	\$11,996,311
Improvement	\$9,091,362	\$191,891	\$9,091,362
Exemptions			
Homeowner	\$14,000	\$0	\$14,000
Special	\$0	\$0	\$0
Net Value	\$18,907,833	\$2,357,731	\$21,073,673
Acres (per Parcel Map)	43.28	3.20	46.48
Tax Rate Area(s)	61101, 61105, 61102	61102	

Chapter 3: Public Facilities/Services Before and After Annexation

Current and anticipated providers of government services related to annexation of the EEAA are shown on Table 3-1 on the next page. The primary service categories in which the provider will change with annexation are: General Government Services, Community Development, Police, and Health and Welfare.

**TABLE 3-1. CURRENT AND ANTICIPATED PROJECT SERVICE PROVIDERS
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS**

Service	Current Service Provider	Anticipated Service Provider
General Government Services:		
Finance	San Bernardino County	City of Chino
Human resources	San Bernardino County	City of Chino
Business registration	San Bernardino County	City of Chino
Community Development:		
Planning	San Bernardino County	City of Chino
Building & safety	San Bernardino County	City of Chino
Code compliance	San Bernardino County	City of Chino
Fire and Paramedic	Chino Valley Fire District	Chino Valley Fire District
Sheriff/Police	San Bernardino County Sheriff	City of Chino Police Department
Library	San Bernardino County Library	San Bernardino County Library
Parks and Recreation:		
Local facilities	City of Chino	City of Chino
Regional facilities	San Bernardino County	San Bernardino County
Animal Control	IVHS service area	IVHS contract
Street Lighting and Traffic Signals	San Bernardino County	City of Chino
Landscape Maintenance	N/A	N/A
Water:		
Domestic water	Metropolitan Water District of Southern California (state water contractor via IEUA)	Metropolitan Water District of Southern California (state water contractor via IEUA)
Recycled water	N/A	N/A
Irrigation water	N/A	N/A
Water quality	San Bernardino County	City of Chino, Public Works, Environmental Division
Sewer:		
Wastewater treatment and disposal	Septic	Inland Empire Utilities Agency (IEUA)
Transportation:		
Freeways and interchanges	Cal Trans	Cal Trans
Arterials and collectors	City of Chino (south half of Philadelphia/east half of East End); County	City / County (centerline of Philadelphia/East End); City of Chino (south half of Francis)
Local roads	N/A - no existing local roads	City of Chino
Transit	Omnitrans	Omnitrans
Flood Control and Drainage:		
Local facilities	San Bernardino County Flood Control District	San Bernardino County Flood Control District
Regional facilities	San Bernardino County Flood Control District	San Bernardino County Flood Control District
Utilities:		
Cable/internet/telephone	Time Warner Cable	Time Warner Cable
Power	SCE	SCE
Natural gas	So Cal Gas	So Cal Gas
Schools	Chino Valley Unified	Chino Valley Unified

**CHINO EAST END ANNEXATION AREA (EEAA) AND PHILADELPHIA STREET INDUSTRIAL CENTER (PSIC)
DEVELOPMENT: PLAN FOR SERVICE AND FISCAL ANALYSIS**

The Natelson Dale Group Inc.

Service	Current Service Provider	Anticipated Service Provider
Solid Waste Management	Waste Management (individual accounts)	City of Chino Contract with Waste Management
Health and Welfare	San Bernardino County Department of Public Health	San Bernardino County Department of Public Health
Vector Control	West Valley Mosquito and Vector Control District	West Valley Mosquito and Vector Control District

Note: An evaluation of service capacity for these entities is provided in the Initial Study/Mitigated Negative Declaration prepared by LSA (LSA Associates, Inc. *Initial Study/Mitigated Negative Declaration. Philadelphia Street Industrial Development Site and East End Annexation Project. City of Chino, San Bernardino County, California.* September 2023.)

Sources: The Natelson Dale Group, Inc.; various service provider websites; LAFCo; LSA Associates, Inc.

Chapter 4: City of Chino Fiscal Analysis Assumptions

The general approach to conducting the fiscal impact assessment includes the following steps:

1. Establishing baseline population, employment, and similar conditions that apply to the annexing city, including a determination of appropriate city “service populations,” in this case a combination of residents and workers.
2. Compiling data on costs and revenues for relevant categories of city services from budget documents.
3. Determining and applying methods for projecting these costs and revenues within a process appropriate for the analysis of the Project-specific fiscal impacts.

The application of these three steps to this analysis is addressed in the rest of this chapter.

Baseline Population and Employment

Population and employment figures applied to this analysis are shown on Table 4-1. Notes accompanying the table describe the data sources and rationale applied to deriving the relevant figures.

TABLE 4-1. CITY POPULATION, HOUSING AND EMPLOYMENT ASSUMPTIONS
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS

Variable Description	Applied values
Population and Housing¹	
Total population	91,998
Household Population	87,854
Single Family Units	21,337
Multi-Family Units	6,266
Other Units	634
Total Housing Units	28,237
Occupied Housing Units	27,101
Average Citywide Household Size	3.24
Employment	
Total Employment in the City ²	41,165
Estimated Service Population³	
Total Population	87,854
Estimated Effective Employment (at 50 percent of workers)	20,583
Estimated Daily Total Service Population	108,437

Notes:

1. Source is California Department of Finance (DOF), Table 2: E-5 City/County Population and Housing Estimates, 1/1/2022.

2. The total City employment is from the "2022 City of Chino Spatial and Statistical Summary" published by the Southern California Association of Governments (SCAG).

3. The service population consists of the estimated resident population plus 50 percent of workers, to account for the estimated less frequent use of City services by this group.

Sources: The Natelson Dale Group, Inc.; State of California, Department of Finance, E-5 Population and Housing Estimates for Cities, Counties and the State, January 1, 2020-2022, Sacramento, California, May 2022; Southern California Association of Governments (SCAG).

City Revenue Data

Table 4-2 shows revenues for relevant line items in the City of Chino Budget, along with the factors that are derived for projecting the annexation area's potential effects on these revenues.

**TABLE 4-2. GENERAL FUND AND OTHER RELEVANT ACCOUNTS, RECURRING REVENUE FACTORS AND PROJECTION FACTORS
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS**

Revenue Source	Chino Budget	Projection Basis ¹		Annual Projection Factors: Figures and Units	
Property Taxes	\$12,769,537	Half share scenario		5.40%	of City share of 1% levy
Property Taxes	\$12,769,537	Full share scenario		10.80%	of City share of 1% levy
VLF - Property Tax In Lieu ²	\$12,019,000	Case Study		\$694	per \$1,000,000 assessed valuation
Property Transfer Tax	\$750,000	Property Turnover and Valuation Assumptions		0.0%	X \$0.55 per \$1,000 assessed valuation
Sales and Use Tax	\$33,389,000	Taxable Sales		\$0.00	per square foot
		City sales tax revenue		1.0%	of sales tax
Use Tax	\$4,101,128	Use Tax as Percent of Sales Tax		12.3%	of sales tax
Proposition 172 (Half-Cent Sales Tax) ⁴	\$1,100,000	Total City Sales and Use Tax =	\$37,490,128	\$29.34	per \$1,000 of City sales and use tax
Measure I 2010-2040 (Half-Cent Sales Tax) ⁵	\$2,240,422			\$59.76	per \$1,000 of City sales and use tax
Franchise Fees	\$3,342,245	Service Population =	108,437	\$30.82	per capita, service population
Charges for Services	\$415,534	Service Population =	108,437	\$3.83	per capita, service population
Fines and Forfeitures	\$716,580	Service Population =	108,437	\$6.61	per capita, service population
Transfers In:					
Gas Tax Fund	\$0	Population =	91,998	\$0.00	per capita
General Fund: Transfers in from Other Funds	\$4,052,245	Service Population =	108,437	\$37.37	per capita, service population

Notes:

- See Table 4-1 for explanation of service population.
- See table below for calculation of estimate.

Citywide A.V. FY 2021-2022	\$17,323,282,962
VLF In-lieu FY 2021-2022	\$12,019,000
VLF per \$1 million in new AV:	\$693.81

- See table below for calculation of estimate.

Citywide Sales & Use Tax FY 2021-2022	\$37,490,128
Proposition 172 Tax	\$1,100,000
Proposition 172 Tax per \$1,000 Sales and Use Tax:	\$29.34

- See table below for calculation of estimate.

Citywide Sales & Use Tax FY 2019-2020	\$37,490,128
Measure I Revenues for 2021-2022	\$2,240,422
Measure I 2010-2040 Tax per \$1,000 of Sales and Use Tax:	\$59.76

Sources: The Natelson Dale Group, Inc.; City of Chino Projected Budget for Fiscal Year 2021-2022.

CHINO EAST END ANNEXATION AREA (EEAA) AND PHILADELPHIA STREET INDUSTRIAL CENTER (PSIC) DEVELOPMENT: PLAN FOR SERVICE AND FISCAL ANALYSIS

The Natelson Dale Group Inc.

City Cost Data

Table 4-3 shows costs for relevant line items in the City of Chino Budget, along with the factors that are derived for projecting the annexation area's potential effects on these costs, for use in a subsequent table.

**TABLE 4-3. GENERAL FUND AND OTHER RELEVANT ACCOUNTS, RECURRING COST FACTORS AND PROJECTION FACTORS
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS**

Cost Category	Chino Budget	Net Cost ¹	Projection Basis ²	Annual Projection Factors: Figures and Units	
General Government ³	\$51,184,891	\$38,388,668	See Table 4-4	17.5%	of direct line costs
Police Protection	\$42,984,745	\$40,927,380	Service population = 108,437	\$377.43	per service population
Community Services	\$8,279,109	\$8,279,109	Service population = 87,854	\$94.24	per capita
Development Services ⁴	\$12,085,926	\$208,838	Service population = 108,437	\$1.93	per service population
Public Works:					
Street Maintenance ⁵	\$5,151,976	n/a	Lane-Miles of Streets = 670	\$7,690	per lane-mile
Public Works Administration	\$294,496	\$294,496	Service population = 108,437	\$2.72	per service population

Notes:

1. Generally, assumed to be the difference between general tax-based funds and funds from other sources.
2. Estimated service population is described in notes on Table 4-1
3. The general government overhead rate is estimated on Table 4-4.
4. Net Development Services costs include reductions for projected one-time revenues. See Appendix Table A-1.
5. Includes Budget figures for Asphalt Maintenance, Residential Street Overlay, ROW maintenance, and Street Sweeping.

Sources: The Natelson Dale Group, Inc.; City of Chino, Fiscal Year 2021-2022 Projected Budget

Table 4-4 (on the next page) shows the derivation of the estimate of the general government overhead rate, used to calculate the estimate of the General Government cost factor on Tables 5-3a and 5-3b.

**TABLE 4-4. CALCULATION OF CITY GENERAL GOVERNMENT OVERHEAD RATE
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS**

Funds	Projected FY 2021-2022 Expenditures	General Government	Non-General Government
General Government			
<u>Administration, General Fund Expenditures</u>			
Legislative	\$696,536	\$696,536	
City Attorney	\$45,000	\$45,000	
City Manager	\$886,559	\$886,559	
City Clerk	\$522,407	\$522,407	
Community Promotion	\$316,646	\$316,646	
State of the City	\$52,217	\$52,217	
Community Services Corps	\$7,100	\$7,100	
Finance Dept. (less payments to Fire District)	\$5,381,425	\$5,381,425	
Human Resources Department	\$77,560	\$77,560	
<u>Internal Service Funds (Non-General Funds)</u>			
610 - Central Services	\$3,327,339	\$3,327,339	
630 - Liability Insurance	\$3,635,079	\$3,635,079	
640 - Employee Benefits	\$26,332,109	\$26,332,109	
650 - Building Management	\$4,815,231	\$4,815,231	
660 - Equipment Management	\$5,089,683	\$5,089,683	
General Government Total	\$51,184,891	\$51,184,891	
All Funds Total	\$271,143,133		
Non-General Government			\$219,958,242
Current General Government Overhead Rate			23.3%
Adjusted Overhead Rate, at % of total =	75%		17.5%
Overhead Amount			\$38,388,668

Notes:

1. General government costs for the Project are not expected to increase on a one-to-one basis. Therefore, an overhead rate adjustment is used, set at 75 percent.

Sources: The Natelson Dale Group, Inc.; City of Chino Projected Budget for Fiscal Year 2021-2022.

Chapter 5: Fiscal Impacts of Annexation Area

A summation of the annexation area’s projected annual recurring revenues and costs, for the categories listed above, is shown on Table 5-1 below. Based on the conservative revenue assumptions used in this analysis (as described further below), the annexation area would:

- Generate a small fiscal deficit (\$2,200 per year) to the City under the “half share” property tax scenario; and
- Generate a fiscal surplus of \$22,600 per year under the “full share” property tax scenario.

Under more favorable revenue assumptions (see discussion of potential sales tax revenues below), the annexation area would potentially generate a significantly larger annual surplus for the City (even under the “half share” property tax scenario).

TABLE 5-1. SUMMARY OF ANNUAL FISCAL IMPACTS AT BUILDOUT

Annual Impact at Buildout	Property Tax Scenario	
	Half Share	Full Share
Total Recurring Revenues	\$46,842	\$71,665
Total Recurring Costs	\$49,024	\$49,024
Annual Recurring Surplus/Deficit	-\$2,183	\$22,641

Source: Table 5-3a and Table 5-3b.

Whereas most revenue sources associated with the project are reasonably predictable based on standard development assumptions, one key revenue item – sales tax – can vary widely for industrial buildings based on the specific tenant type(s) occupying the space. Some industrial businesses generate substantial sales tax revenue (due to “point of sale” business activities) while some industrial tenants generate little or no sales tax. Based on available data, The Natelson Dale Group, Inc. (TNDG) estimates that existing industrial space in the combined Chino/Chino Hills area generates average taxable sales of \$32.20 per square foot of building area.³

Given that specific tenants are not currently known for the PSIC or the overall EEAA, it is reasonable to expect that the tenant mix (and therefore the level of sales tax generation) for project would mirror the overall makeup of Chino’s industrial market. However, in order to remain analytically conservative (per direction from City staff), the fiscal analysis assumes that no sales tax revenue would be generated by the proposed project.

Based on estimated industrial sales tax generation in other Inland Empire cities, TNDG believes that it is highly likely that the proposed project would generate significant taxable sales. TNDG estimates industrial

³ This factor was derived from two sources: 1) total taxable sales during Calendar Year 2021 in the “All Other Outlets” (i.e., non-retail) sales category as reported by the California Department of Tax and Fee Administration and 2) total square feet of industrial buildings in Chino/Chino Hills as reported by Kidder Matthews (Q2 2022 industrial “Market Trends” report for the Inland Empire). Specifically, total taxable sales of \$1,758,858,921 divided by a total industrial inventory of 54,627,425 square feet equals average taxable sales of \$32.20 per square foot.

taxable sales PSF in other key Inland Empire sub-markets as follows⁴: Corona (\$53.24), Fontana (\$14.19), Jurupa Valley (\$20.33), Moreno Valley (\$8.83), Ontario (\$32.38), Perris (\$9.12), Rancho Cucamonga (\$21.51), Redlands (\$7.08), Rialto (\$40.77), Riverside (\$32.55), and San Bernardino (\$16.86). The weighted average for these 12 sub-markets is \$25.11 per square foot.

As indicated by the above data, the potential exists for the project to substantially outperform the conservative “no sales tax” assumption used in this analysis. For example, if the project achieved taxable sales equivalent to the existing average for the 12 sub-markets noted above (\$25.11 PSF), the project would generate a net fiscal surplus for the City of \$41,600 per year under the half-share property tax scenario and \$66,400 per year under the full-share property tax scenario. If the project achieved taxable sales equivalent to the existing average for the Chino/Chino Hills area (\$32.20 PSF), the project would generate a net fiscal surplus for the City of \$53,900 per year under the half-share property tax scenario and \$78,800 per year under the full-share property tax scenario. Table E-2 below compares the net fiscal impact of the project under the various property and sales tax scenarios considered in this analysis.

**TABLE 5-2. COMPARISON OF NET FISCAL IMPACTS AT BUILDOUT
BY SALES TAX AND PROPERTY TAX SCENARIO**

Taxable Sales Assumptions	Property Tax Scenario	
	Half Share	Full Share
No Taxable Sales	-\$2,183	\$22,641
Taxable Sales @ \$25.11/square foot	\$41,573	\$66,397
Taxable Sales @ \$32.20/square foot	\$53,928	\$78,752

Source: The Natelson Dale Group, Inc. (TNDG).

⁴ These estimates were derived using the same data sources used for Chino (as described in the previous footnote).

TABLE 5-3A. DETAILED PROJECTED RECURRING FISCAL IMPACTS
“HALF SHARE” PROPERTY TAX SCENARIO
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS

Category	Annexation Area					
	Year 1	Year 2	Year 3	Year 4	Year 5	% of Total (Yr. 5)
General Fund and Relevant Other Accounts, Annual Recurring Revenues						
Property Taxes	\$16,421	\$18,522	\$20,623	\$22,723	\$24,824	53.0%
VLF-Property Tax in Lieu	\$6,478	\$9,177	\$11,875	\$14,574	\$17,273	36.9%
Property Transfer Tax	\$0	\$0	\$0	\$0	\$0	0.0%
On-Site Sales and Use Tax	\$0	\$0	\$0	\$0	\$0	0.0%
Proposition 172 Half Cent Sales Tax	\$0	\$0	\$0	\$0	\$0	0.0%
Measure I 2010-2040 Half Cent Sales Tax	\$0	\$0	\$0	\$0	\$0	0.0%
Franchise Fees	\$832	\$1,089	\$1,346	\$1,603	\$1,860	4.0%
Charges for Services	\$103	\$135	\$167	\$199	\$231	0.5%
Fines	\$178	\$233	\$289	\$344	\$399	0.9%
Transfers In: State Gas Tax	\$0	\$0	\$0	\$0	\$0	0.0%
Transfers In: From Other City Funds	\$1,009	\$1,320	\$1,632	\$1,943	\$2,255	4.8%
Total Recurring Revenues	\$25,022	\$30,477	\$35,932	\$41,387	\$46,842	100.0%
General Fund and Relevant Other Accounts, Annual Recurring Costs						
General Government	\$3,609	\$4,165	\$4,721	\$5,276	\$7,017	14.3%
Police Protection	\$10,191	\$13,336	\$16,481	\$19,626	\$22,772	46.4%
Community Services	\$660	\$660	\$660	\$660	\$660	1.3%
Community Development	\$52	\$68	\$84	\$100	\$116	0.2%
Public Works: Street Maintenance	\$9,704	\$9,704	\$9,704	\$9,704	\$16,494	33.6%
Public Works: Other Costs	\$73	\$96	\$119	\$141	\$164	0.3%
Chino Valley Fire District (tax adjustment)	\$1,192	\$1,345	\$1,497	\$1,650	\$1,802	3.7%
Total Recurring Costs	\$25,481	\$29,373	\$33,265	\$37,157	\$49,024	100.0%
Annual Recurring Surplus/Deficit	-\$459	\$1,104	\$2,666	\$4,229	-\$2,183	
Revenue/Cost Ratio	0.98	1.04	1.08	1.11	0.96	

Sources: Tables 4-1, 4-2 and 4-3.

TABLE 5-3B. DETAILED PROJECTED RECURRING FISCAL IMPACTS
“FULL SHARE” PROPERTY TAX SCENARIO
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS

Category	Annexation Area					
	Year 1	Year 2	Year 3	Year 4	Year 5	% of Total (Yr. 5)
General Fund and Relevant Other Accounts, Annual Recurring Revenues						
Property Taxes	\$32,843	\$37,044	\$41,245	\$45,447	\$49,648	69.3%
VLF-Property Tax in Lieu	\$6,478	\$9,177	\$11,875	\$14,574	\$17,273	24.1%
Property Transfer Tax	\$0	\$0	\$0	\$0	\$0	0.0%
On-Site Sales and Use Tax	\$0	\$0	\$0	\$0	\$0	0.0%
Proposition 172 Half Cent Sales Tax	\$0	\$0	\$0	\$0	\$0	0.0%
Measure I 2010-2040 Half Cent Sales Tax	\$0	\$0	\$0	\$0	\$0	0.0%
Franchise Fees	\$832	\$1,089	\$1,346	\$1,603	\$1,860	2.6%
Charges for Services	\$103	\$135	\$167	\$199	\$231	0.3%
Fines	\$178	\$233	\$289	\$344	\$399	0.6%
Transfers In: State Gas Tax	\$0	\$0	\$0	\$0	\$0	0.0%
Transfers In: From Other City Funds	\$1,009	\$1,320	\$1,632	\$1,943	\$2,255	3.1%
Total Recurring Revenues	\$41,443	\$48,999	\$56,554	\$64,110	\$71,665	100.0%
General Fund and Relevant Other Accounts, Annual Recurring Costs						
General Government	\$3,609	\$4,165	\$4,721	\$5,276	\$7,017	14.3%
Police Protection	\$10,191	\$13,336	\$16,481	\$19,626	\$22,772	46.4%
Community Services	\$660	\$660	\$660	\$660	\$660	1.3%
Community Development	\$52	\$68	\$84	\$100	\$116	0.2%
Public Works: Street Maintenance	\$9,704	\$9,704	\$9,704	\$9,704	\$16,494	33.6%
Public Works: Other Costs	\$73	\$96	\$119	\$141	\$164	0.3%
Chino Valley Fire District (tax adjustment)	\$1,192	\$1,345	\$1,497	\$1,650	\$1,802	3.7%
Total Recurring Costs	\$25,481	\$29,373	\$33,265	\$37,157	\$49,024	100.0%
Annual Recurring Surplus/Deficit	\$15,962	\$19,626	\$23,289	\$26,953	\$22,641	
Revenue/Cost Ratio	1.63	1.67	1.70	1.73	1.46	

Sources: Tables 4-1, 4-2 and 4-3.

Chapter 6: Project One-Time Fees and Charges

Table 6-1 below provides a preliminary estimate of one-time development impact fees that the EEAA annexation would generate for the City of Chino and the Chino Valley Unified School District.

**TABLE 6-1. ONE-TIME IMPACT AND OTHER DEVELOPMENT FEE PAYMENTS
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS**

Impact Fees	Unit Measure	Price	Quantity	Amount
<u>City of Chino</u>				
Law Enforcement Facilities, Industrial	Square feet	\$0.05	160,000	\$8,000
Fire Protection Facilities, Industrial	Square feet	\$0.04	160,000	\$6,400
Circulation (Streets, Signals and Bridges) System	Square feet	\$2.31	160,000	\$369,600
Storm Drain Collection, Industrial	Square feet	\$0.52	160,000	\$83,200
Water Storage and Distribution, Industrial ¹	Square feet	\$0.54	160,000	\$86,400
Sewage Collection System, Industrial	Square feet	\$0.10	160,000	\$16,000
General Facilities, Industrial	Square feet	\$0.06	160,000	\$9,600
Public Use Facilities, Industrial	Square feet	\$0.00	160,000	\$0
Capital Impact Administration Charge	Percentage	12%		\$69,504
<u>School Fee</u>				
Chino Valley Unified School District	Square feet	\$0.64	160,000	\$102,400
Total, Impact Fees				\$751,104

Appendix A: Supporting Fiscal Documentation

**TABLE A-1. GENERAL FUND NET COMMUNITY DEVELOPMENT COST FACTORS
CHINO EEAA AND PSIC: PLAN FOR SERVICE AND FISCAL ANALYSIS**

Category	Amount
A. DEVELOPMENT SERVICES	
Total Development Services Expenditures	\$12,085,926
One-Time Processing Fees/Permits:	
Building Permits/Code Enforcement Fees	\$4,976,645
Planning Fees	\$818,898
Development Fees/Permits	\$6,081,545
Total One-Time Revenues	\$11,877,088
Recurring Net Community Development Costs	\$208,838
Service Population ¹	108,437
Citywide Net Cost Factor per Service Population for Community Development	\$1.93
B. PUBLIC WORKS ADMINISTRATION	
Public Works Administration	\$294,496
Service Population ¹	108,437
Citywide Net Cost Factor per Service Population for Other Public Works	\$2.72

Note:

1. See Table 4-1.

Sources: The Natelson Dale Group, Inc.; City of Chino Projected Budget for Fiscal Year 2021-2022.

EUNICE M. ULLOA
Mayor

KAREN C. COMSTOCK
Mayor Pro Tem



CITY of CHINO

CURTIS BURTON
CHRISTOPHER FLORES
MARC LUCIO
Council Members

DR. LINDA REICH
City Manager

May 1, 2024

RECEIVED
MAY 07 2024
LAFCO
San Bernardino County

Samuel Martinez
LAFCO of San Bernardino
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0490

RE: Request to Modify Local Agency Formation Proposal for LAFCO 3268

Dear Mr. Martinez:

The City of Chino would like to request a modification to Local Agency Formation proposal LAFCO 3268 to include three additional parcels as identified in the attached map (Assessor Parcel Numbers: 1013-531-09, 1013-531-10, and 1013-531-11) in order to avoid the creation of an unincorporated County island.

Should you have any questions, comments, or concerns regarding this matter, or require additional information, please feel free to contact, Kim Le, Senior Planner at (909) 334-3330 or via email at kimle@cityofchino.org.

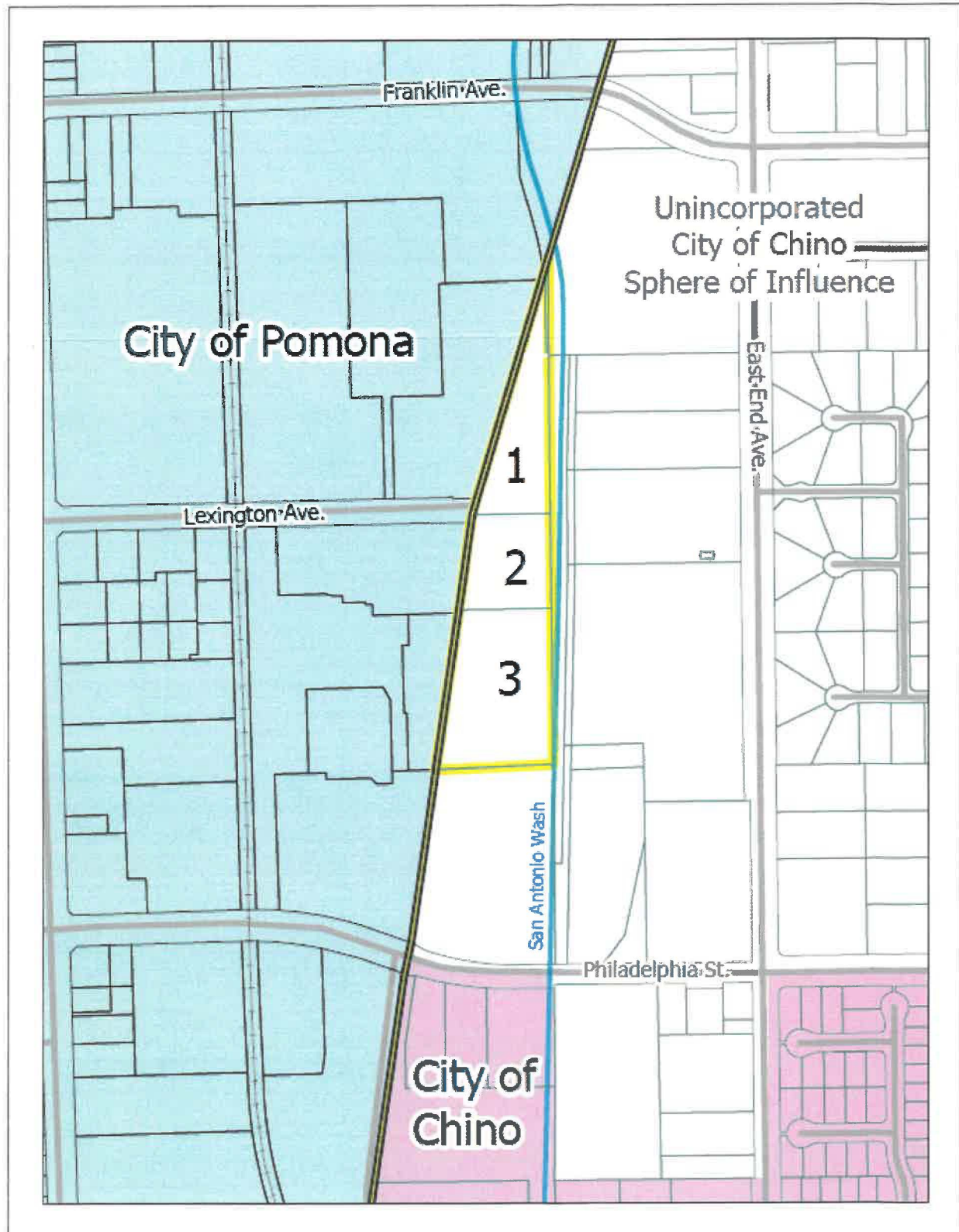
Respectfully,

Dr. Linda Reich
City Manager

Attachment: Vicinity Map



VICINITY MAP



RESOLUTION NO. 2024-43

RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA OPPOSING THE LAFCO 3268 REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF CHINO AND DETACHMENT FROM COUNTY SERVICE AREA 70 (EAST END ANNEXATION) UNLESS MODIFIED TO INCLUDE THREE PARCELS TO AVOID CREATING AN UNINCORPORATED COUNTY ISLAND

On Tuesday April 23, 2024, on motion of Supervisor Hagman, duly seconded by Supervisor Baca, Jr. and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, on December 4, 2023, the City of Chino (City) submitted an application to the Local Agency Formation Commission for San Bernardino County (LAFCO) for the annexation to the City and Detachment from County Services Area 70 of approximately 57.6 acres;

WHEREAS, LAFCO has provided the City's application with the number and title of LAFCO 3268 – Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 (East End Annexation);

WHEREAS, the proposed annexation will create an island consisting of three contiguous parcels of San Bernardino County (County) unincorporated land that are adjacent to the City's reorganization proposal area; and

WHEREAS, the three parcels of County unincorporated land are APN Nos. 1013-531-09, 1013-531-10, and 1013-531-11 collectively referred to as "Island Properties"; and

WHEREAS, the provision of Islands Properties is discouraged because it creates public confusion over jurisdictional boundaries and service responsibilities, is expensive for the County to maintain and provide services, and results in inefficient land use patterns.

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of San Bernardino County as follows:

Section 1. The above recitals are true and correct and the Board of Supervisors so finds and determines.

Section 2. The Board of Supervisors opposes the approval of LAFCO 3268 as it is currently proposed and recommends LAFCO 3268 be revised and modified to include the Island Properties.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe,
Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

* * * * *

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of April 23, 2024. #27 CCM

LYNNA MONELL
Clerk of the Board of Supervisors

By _____



TOM DODSON & ASSOCIATES

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

Web: tdaenvironmental.com



July 1, 2024

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

Dear Sam:

LAFCO 3268 consists of a proposal from the City of Chino that includes a Reorganization to include Annexation of approximately 65.06 acres to the City of Chino and Detachment from County Service Area 70. The project area is shown on the attached map and consists of the original 56.87-acre Reorganization submitted by Chino to the Local Agency Formation Commission (LAFCO) plus an approximate 8.19-acre addition by LAFCO. Staff to prevent the creation of an unincorporated island between the proposed Reorganization area and the Los Angeles/San Bernardino County boundary on the west. This whole site is located within the City of Chino's northern sphere of influence. The area proposed for Reorganization has been pre-zoned (General Planned) to be developed with industrial uses, City designations Light Industrial (M1) and General Industrial (M2), or in the case of the added parcels is already developed with industrial uses. If the Commission approves LAFCO 3268, the project area can move forward with development of industrial uses through the City of Chino in the future.

The City of Chino prepared an Initial Study (IS) in 2023 and adopted a Mitigated Negative Declaration (MND) for this Reorganization. The City's IS/MND addressed the whole of the City's proposed Reorganization area (56.87 acres), but did not include the parcels added by Staff. However, based on my review, these additional parcels are already developed with industrial uses, which would be consistent with the City's general plan land use designation, and since new development would not occur, I conclude that inclusion of these parcels would not alter the conclusions in the IS/MND. The Notice of Determination for this action was filed for this Mitigated Negative Declaration on October 11, 2023 and no litigation ensued.

As indicated, the City prepared an IS/MND which concluded that implementation of the proposed actions would not result in significant adverse impacts to the environment and identified several mitigation measures that must be implemented. None of these measures is the responsibility of the Commission. Therefore, I am recommending that the Commission consider the adopted IS/MND as a CEQA Responsible Agency and as the appropriate CEQA environmental determination for LAFCO 3268.

Thus, based on a review of LAFCO 3268 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 City's IS/MND as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in late-2023, and based on a field review and review of the environmental issues in the City's document, no substantial changes in circumstances have occurred since its adoption that would require additional environmental documentation. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO 3268, acting as a CEQA Responsible Agency:

1. Indicate that the Commission Staff and environmental consultant have independently reviewed the City's Initial Study and Mitigated Negative Declaration and found them adequate for the Reorganization proposal contained in LAFCO 3268.
2. The Commission needs to indicate that it has considered the IS/MND and environmental effects, as outlined in the Initial Study, prior to reaching a decision on the project and finds the information substantiating the Mitigated Negative Declaration adequate for approval of the Reorganization proposal contained in LAFCO 3268.
3. The Commission should indicate that it does not intend to adopt alternatives or other mitigation measures for this project. The mitigation measures required for this project will remain the responsibility of the City to implement.
4. File a new Notice of Determination with the County Clerk of the Board acting as a CEQA Responsible Agency.

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

Sincerely,

A handwritten signature in black ink that reads "Tom Dodson". The signature is written in a cursive, flowing style.

Tom Dodson

TD/cmc

LAFCO/LA-3268 Resp Agency Det

DATE FILED & POSTED

Posted On: 10/11/2023

Print Form

Removed On: 11/23/2023Receipt No: 36-10112023-859

Notice of Determination

Appendix D

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

☒ County Clerk
 County of: San Bernardino
 Address: 385 North Arrowhead, 2nd Floor
San Bernardino, CA 92415

From:

Public Agency: City of Chino
 Address: 13220 Central Avenue
Chino, CA 91710
 Contact: Kim Le, Associate Planner
 Phone: 909-334-3330

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): 2023060736Project Title: Philadelphia Street Industrial Development Site and East End Annexation ProjectProject Applicant: Golden Management Services, Inc.Project Location (include county): East End Avenue and Philadelphia Street, Chino, San Bernardino Cou

Project Description:

1. Prezone and Annexation (PL 20-0003) to annex approximately 56.87 acres of land from San Bernardino County with zoning designations of Regional Industrial (IR), Community Industrial (IC), and Single-Family Residential (RS-20M) to the City of Chino and change the zone to Light Industrial (M1) and General Industrial (M2). APNs: 1013-521-04, -05, -11, -14, -15, -16, -18, 1016-011-02, -03, -05, -06, -08, -09, -10, -15, 1013-531-04, -07, 1013-271-01, -06, -10, -11, -13, -14, and 013-261-17.

This is to advise that the City of Chino has approved the above
☒ Lead Agency or ☐ Responsible Agency

described project on October 3, 2023 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 EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

City of Chino, 13220 Central Avenue, Chino, CA 91710

Signature (Public Agency): Kim Le Title: Associate PlannerDate: October 3, 2023 Date Received for filing at OPR: _____

DATE FILED & POSTED

Posted On: 10/11/23

Authority cited: Sections 21083, Public Resources Code.

Reference Section 21000-21174, Public Resources Code

Removed On: 11/23/23

Revised 2011

Receipt No: 36-10112023-859

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

**PHILADELPHIA STREET INDUSTRIAL DEVELOPMENT SITE
AND EAST END ANNEXATION PROJECT**

CITY OF CHINO

SAN BERNARDINO COUNTY, CALIFORNIA



LSA

September 2023

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

PHILADELPHIA STREET INDUSTRIAL DEVELOPMENT SITE AND EAST END ANNEXATION PROJECT

CITY OF CHINO

SAN BERNARDINO COUNTY, CALIFORNIA

Prepared for:

City of Chino
Development Services Department
13220 Central Avenue
Chino, California 91710
(909) 334-3253

Prepared by:

LSA Associates, Inc.
1500 Iowa Avenue, Suite 200
Riverside, California 92507
(951) 781-9310
Project No. GMS2201



September 2023

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LIST OF ABBREVIATIONS AND ACRONYMS

ACM	asbestos-containing materials
ADA	Americans with Disabilities Act
ADT	average daily traffic
APN	Assessor's Parcel Number
AQMP	Air Quality Management Plan
ASTM	American Society for Testing and Materials
BACM	Best Available Control Measure
Basin	South Coast Air Basin
BAU	business as usual
Bcf	billion cubic feet
BFE	base flood elevation
BMP	Best Management Practice
Btu	British Thermal Unit
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
CAL FIRE	California Department of Forestry and Fire Protection
Cal/OSHA	California Occupational Safety and Health Administration
CalEEMod	California Emissions Estimator Model
CALGreen Code	California Green Building Standards Code
CalRecycle	California Department of Resources Recycling and Recovery
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CBC	California Building Code
CBERD	California Built Environment Resources Directory

CBSC	California Building Standards Commission
CCR	California Code of Regulations
CCWRF	Carbon Canyon Water Recycling Facility
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CHL	California Historical Landmarks
City	City of Chino
CNEL	Community Noise Equivalent Level
CNO	Chino Airport
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	CO ₂ equivalent
COCs	chemicals of concern
COD	chemical oxygen demand
County	San Bernardino County
CPD	Chino Police Department
CPHI	California Points of Historical Resources
CPTED	Crime Prevention Through Environmental Design
CREC	controlled recognized environmental conditions
CRHR	California Register of Historical Resources
CVIFPD	Chino Valley Independent Fire Protection District
CWA	Clean Water Act
dB	decibels
dBA	A-weighted decibels
DCV	Design Capture Volume
DIF	Development Impact Fee
DMA	Drainage Management Area

DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
ESA	Environmental Site Assessment
FAR	floor area ratio
FEMA	Federal Emergency Management Agency.
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FRAP	Fire and Resource Assessment
FTA	Federal Transit Administration
FWQMP	Final Water Quality Management Plan
GHG	greenhouse gas
GI	General Industrial
gpd	gallons per day
GPEIR	General Plan Environmental Impact Report
GWh	gigawatt hour
HREC	Historical Recognized Environmental Condition
HVAC	heating, ventilation, and air conditioning
IEUA	Inland Empire Utilities Agency
IC	Community Industrial
in/sec	inches per second
IR	Regional Industrial
SR-60	State Route 60
IS	Initial Study
ITE	Institute of Transportation Engineers
kWh	kilowatt hour

LAFCO	Local Agency Formation Commission
LBM	lead-based materials
lbs/day	pounds per day
L _{dn}	day-night averaged noise level
L _{eq}	equivalent continuous sound level
LI	Light Industrial
LID	Low Impact Development
L _{max}	maximum instantaneous noise level
LOS	Level of Service
LRA	Local Responsibility Area
LST	Localized Significance Threshold
M1	Light Industrial
M2	General Industrial
MBTA	Migratory Bird Treaty Act
mg/cm ²	milligram per square centimeter
MGD	million gallons per day
MLD	Most Likely Descendant
mm	millimeter
MND	Mitigated Negative Declaration
mpg	miles per gallon
mph	miles per hour
MRF	Materials Recycling Facility
MRZ	Mineral Resource Zone
MS4	Municipal Separate Storm Sewer System
MT	metric ton
MVWD	Monte Vista Water District
MWD	Metropolitan Water District of Southern California

NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
ND	Negative Declaration
NFIP	National Flood Insurance Program
NHTSA	National Highway Traffic Safety Administration
NO ₂	nitrogen dioxide
NOI	Notice of Intent
NOx	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
O ₃	ozone
OBMP	Optimum Basin Management Program
ONC	(California) Office of Noise Control
ONTLUCP	Ontario International Airport Land Use Compatibility Plan
OPR	Governor's Office of Planning and Research
PCE	Passenger Car Equivalents
PM _{2.5}	particulate matter less than 2.5 microns in size
PM ₁₀	particulate matter less than 10 microns in size
ppm	parts per million
PPV	peak particle velocity
PRC	Public Resources Code
PRIMP	Paleontological Resource Impact Mitigation Program
project	Philadelphia Street Industrial Development Site and East End Annexation Project
RP	Recycling Plant
REC	recognized environmental condition
ROC	reactive organic compound
RS-20M	Single-Family Residential

RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SAFE	Safer Affordable Fuel-Efficient
SARWQCB	Santa Ana Regional Water Quality Control Board
SAWCo	San Antonio Water Company
SB	Senate Bill
SBBM	San Bernardino Base & Meridian
SBCTA	San Bernardino County Transportation Authority
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SOI	sphere of influence
SOx	oxides of sulfur
SP	service population
SR	Sensitive Receptor
SR-71	State Route 71
SR-142	State Route 142
SRA	Source Receptor Area
STC	Sound Transmission Class
SVP	Society of Vertebrate Paleontology
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
TAZ	Traffic Analysis Zone
TCR	Tribal Cultural Resources
TIA	Traffic Impact Analysis

USACE	United States Army Corps of Engineers
USC	United States Code
USDOT	United States Department of Transportation
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UWMP	Urban Water Management Plan
VdB	vibration velocity decibels
VEC	Vapor Encroachment Condition
VHFHSZ	Very High Fire Hazard Severity Zone
VIC	Vapor Intrusion Condition
VMТ	Vehicle Miles Traveled
VMТ/SP	Vehicle Miles Traveled per service population
VOC	volatile organic compounds
WDR	Waste Discharge Requirement
WFA	Water Facilities Authority
WQMP	Water Quality Management Plan

1.0 INTRODUCTION AND PURPOSE

Section 1.0 of this Initial Study (IS)/Mitigated Negative Declaration (MND) describes the purpose, environmental authorization, the intended uses of the IS, documents incorporated by reference, and the processes and procedures governing the preparation of the environmental document.

1.1 INTRODUCTION

Pursuant to Section 15367 of the State of California *Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines)*, the City of Chino (City) is the Lead Agency under the California Environmental Quality Act (CEQA). The City has primary responsibility for compliance with CEQA and consideration of the Philadelphia Street Industrial Development Site and East End Annexation Project (herein referred to as the “project”)

The IS/MND is organized as follows:

- Section 1.0 Introduction and Purpose* provides a discussion of the IS/MND’s purpose, focus, and legal requirements.
- Section 2.0 Project Description* provides a detailed description of the proposed project.
- Section 3.0 Environmental Checklist* includes a checklist and accompanying analyses of the project’s effect on the environment. For each environmental issue, the analysis identifies the level of the project’s environmental impact.
- Section 4.0 References* details the references cited throughout the IS/MND.
- Appendices* Include the technical studies prepared to support the analyses contained in the IS/MND.

1.2 PURPOSE

CEQA requires that the proposed project be reviewed to determine the environmental effects that would result if the project were approved and implemented. The City is the Lead Agency and has the responsibility for preparing and adopting the associated environmental document prior to consideration of approval of the proposed project. The City has the authority to make decisions regarding discretionary actions relating to implementation of the proposed project.

This IS/MND has been prepared in accordance with the relevant provisions of CEQA (California Public Resources Code Section 21000 et seq.); the *CEQA Guidelines*,¹ and the rules, regulations, and procedures for implementing CEQA, as adopted by the City. The objective of the IS/MND is to inform City decision-makers, representatives of other affected/responsible agencies, the public, and interested parties of the potential environmental consequences of the project.

¹ California Code of Regulations, Title 14, Chapter 3, Sections 15000 through 15387.

As established in *CEQA Guidelines* Section 15063(c), the purposes of an Initial Study are to:

- Provide the Lead Agency (City of Chino) with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR), Negative Declaration (ND), or Mitigated Negative Declaration (MND);
- Enable a Project Applicant or Lead Agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for an ND or MND;
- Assist in the preparation of an EIR, if one were required;
- Facilitate environmental assessment early in the design of a project;
- Provide a factual basis for findings in an ND or MND that a project would not have a significant effect on the environment;
- Eliminate unnecessary EIRs; and
- Determine whether a previous prepared EIR could be used with the project.

1.3 INTENDED USE OF THIS INITIAL STUDY

The City formally initiated the environmental process for the proposed project with the preparation of this IS/MND. The IS screens out those impacts that would be less than significant and do not warrant mitigation, while identifying those issues that require mitigation to reduce impacts to a less than significant level. As identified in the following analyses, project impacts related to various environmental issues either do not occur, are less than significant (when measured against established significance thresholds), or have been rendered less than significant through implementation of mitigation measures. Based on these analytical conclusions, this IS supports adoption of an MND for the proposed project.

CEQA² permits the incorporation by reference of all or portions of other documents that are generally available to the public. The IS has been prepared utilizing information from City planning and environmental documents, technical studies specifically prepared for the project, and other publicly available data. The documents utilized in the IS/MND are identified in Section 3.0 and are hereby incorporated by reference. These documents are available for review at the City of Chino, Planning Division.

1.4 PUBLIC REVIEW OF THE INITIAL STUDY

The IS and a Notice of Intent (NOI) to adopt an MND will be distributed to responsible and trustee agencies, other affected agencies, and other parties for a 20-day public review period. Written comments regarding this IS should be addressed to:

² *CEQA Guidelines* Section 15150.

Kim Le, Associate Planner
City of Chino
Development Services Department
13220 Central Avenue
Chino, California 91710
(909) 334-3253
kle@cityofchino.org

After the 20-day public review period, consideration of comments raised during the public review period will be taken into account and addressed prior to adoption of the MND by the City.

2.0 PROJECT DETAILS

The Philadelphia Street Industrial Development Site and East End Annexation Project (project) is a proposal to subdivide 3.59 acres of land (Assessor's Parcel Number [APN] 1013-521-04) into three parcels and construct three light industrial warehouse buildings with office space; this is referred to as the Industrial Development Site. The project also includes annexation of approximately 56.87 acres, including the 3.59-acre Industrial Development Site, from San Bernardino County (County) to the City of Chino (City) and would include a zone change from San Bernardino County zoning designations Regional Industrial (IR), Community Industrial (IC), and Single-Family Residential (RS-20M) to City of Chino zoning designations Light Industrial (M1) and General Industrial (M2); this is referred to as the East End Annexation detailed below in Section 2.2.

2.1 PROJECT LOCATION AND SETTING

The project site consists of the 56.87-acre East End Annexation area, which includes the 3.59-acre Industrial Development Site, and is within the Santa Ana del Chino Land Grant, as shown on the United States Geological Survey (USGS) *Ontario, California* 7.5-minute quadrangle. Figure 1: Project Location and Regional Vicinity, shows the location of the project on a regional scale. The majority of the site (northern 85 percent) is located within Township 1 South, Range 8 West, while the southerly 15 percent of the site is located within Township 2 South, Range 8 West of the San Bernardino Base & Meridian (SBBM). Regionally, the project site is approximately 2.5 miles northwest from the center of City of Chino, 0.5 mile north of State Route 60 (SR-60) and 2 miles east of State Route 71 (SR-71). The site is accessed regionally from SR-60 and the Reservoir Street interchange, and from SR-71 and the Philadelphia Street interchange. As indicated in Figure 2: Project Site, the project site is adjacent to the west of East End Avenue between Francis Avenue to the north, Maxon Lane to the south, and the San Antonio Creek Channel to the west³ in unincorporated San Bernardino County within the City of Chino Sphere of Influence (SOI).

The 56.87-acre project site was previously utilized for orchard and row crop agriculture as early as the 1930s, by which time Philadelphia Street and East End Avenue proceeded in their current alignments through the site.⁴ San Antonio Creek, a natural north-south drainage flowing generally along the western site boundary, was channelized via a concrete box channel in the mid-1950s.⁵ A single-family residential structure was constructed on the 3.59-acre Industrial Development Site (APN 1013-521-04) within the East End Annexation area by 1964, and four additional ancillary buildings were added to the Industrial Development Site by 1972.⁶ Predominant agricultural activities on the project site began to cede to industrial development in the 1970s and 1980s. Offsite residential development within the City of Chino east of East End Avenue generally coincided with development of the project

³ One parcel (APN 1013-531-07) within the East End Annexation area is located adjacent to the west of the San Antonio Creek Channel and north of Philadelphia Street.

⁴ Nationwide Environmental Title Research, LLC. Historic Aerials by NETRONLINE. Aerial Photographs (1938, 1953, 1959). <https://historicaerials.com/viewer> (accessed April 15, 2022).

⁵ Ibid.

⁶ Ibid. Aerial Photographs (1964 and 1972).

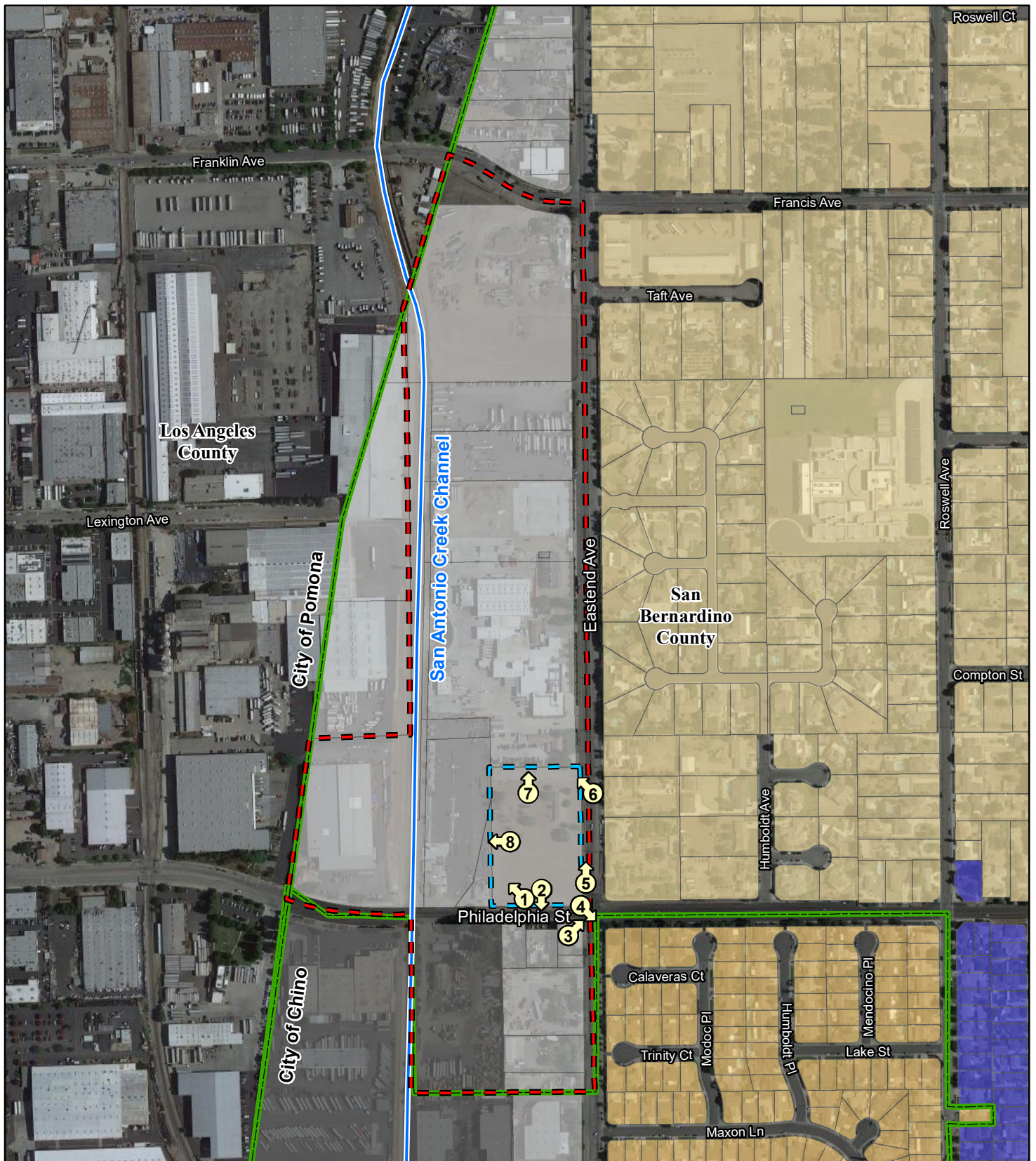
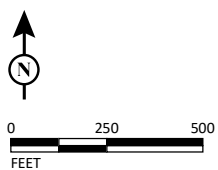


FIGURE 2

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LEGEND

Project Location

- East End Annexation Area
- Industrial Development Site

City of Chino General Plan Land Uses

- RD 2 (1-2 DUs/Ac)
- RD 4.5 (3-4.5 DUs/Ac)
- GI - General Industrial
- LI - Light Industrial
- RS

Photo Locations

- ⤴ Photo Locations
- City Boundary

Note: Photo location viewpoints are depicted in Figure 3a through 3d

SOURCE: Google Maps (2021), City of Chino (2022)

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*Philadelphia Street Industrial Development
Site and East End Annexation Project*
Project Site

site during the 1970s and 1980s.⁷ The single-family residential structure and ancillary buildings on the 3.59-acre Industrial Development Site are observed in aerial photographs through 2018, but as of 2022, only the single-family residential structure remains with 14 trees and scattered ruderal vegetation.⁸ Figures 3a through 3d: Site Photographs provide photographs of the project site and surrounding land uses.

2.2 PROJECT DESCRIPTION

The project includes the following entitlement actions:

1. Prezone and Annexation (PL 20-0003) to annex approximately 56.87 acres of land from San Bernardino County with zoning designations of Regional Industrial (IR), Community Industrial (IC), and Single-Family Residential (RS-20M) to the City of Chino and change the zone to Light Industrial (M1) and General Industrial (M2).
2. Site Approval (PL 20-0004) to allow construction of three industrial buildings totaling 63,900 square feet, associated infrastructure, parking, sidewalk, and other site improvements required by the City.
3. Tentative Parcel Map No. 20174 (PL 20-0005) to subdivide 3.59 gross acres of land into three parcels for development of three light industrial warehouse buildings with office space.

2.2.1 Prezone and East End Annexation

Annexation from San Bernardino County to City of Chino jurisdiction includes the entire 56.87-acre East End Annexation area, which includes the 3.59-acre Industrial Development Site, as determined by the San Bernardino County Local Agency Formation Commission (LAFCO) to create logical boundaries that improve services therein and to create clear jurisdictional responsibilities (refer to Figure 2: Project Site).

The Industrial Development Site (APN 1013-521-04) is mostly undeveloped, except for one abandoned structure. The Industrial Development Site has a San Bernardino County zoning designation of Single-Family Residential (RS-20M) but is within the City of Chino Sphere of Influence and has a land use designation of Light Industrial per the Chino General Plan.⁹ Accordingly, the project would include a zone change of the Industrial Development Site from Single-Family Residential (RS-20M) to Light Industrial (M1) as a municipal exercise to achieve consistency of land use development in accordance with the City of Chino's existing General Plan Light Industrial land use designation of the site (refer to Table 2.2.A: Existing and Proposed Zoning).

⁷ Nationwide Environmental Title Research, LLC. Historic Aerials by NETRONLINE. Aerial Photographs (1972, 1980, 1985, 1987, 1992) <https://historicaerials.com/viewer> (accessed April 15, 2022).

⁸ Ruderal vegetation consists of species (often invasive) that are first to colonize disturbed lands.

⁹ City of Chino. General Plan 2025. Land Use Element. *Figure LU-2 General Plan Land Use Designations*. July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).



Photo 1 - Industrial Development Site Overview, Facing Northwest



Photo 2 - Offsite Uses to the South, Facing South



Photo 3 - East End Avenue, Philadelphia Street Intersection, Facing Northeast



Photo 4 - Offsite Uses to the Southeast, Facing Southeast

LSA

Note: Viewpoint locations are depicted in Figure 2

FIGURE 3b

*Philadelphia Street Industrial Development Site
and East End Annexation Project
Site Photographs*



Photo 5 - Offsite Uses to the East, Facing North



Photo 6 - Offsite Uses to the North, Facing Northwest

LSA

Note: Viewpoint locations are depicted in Figure 2

FIGURE 3c

*Philadelphia Street Industrial Development Site
and East End Annexation Project
Site Photographs*



Photo 7 - Offsite Uses to the North, Facing North



Photo 8 - Offsite Uses to the West, Facing West

LSA

Note: Viewpoint locations are depicted in Figure 2

FIGURE 3d

*Philadelphia Street Industrial Development Site
and East End Annexation Project
Site Photographs*

Table 2.2.A: Existing and Proposed Zoning

APN	Existing Land Use	Existing Zoning Designation (San Bernardino County)	Proposed Zoning Designation (City of Chino)	Existing Chino General Plan Land Use Designation¹
1013-521-04 (Industrial Development Site)	Abandoned single-family residential structure and vacant yard	Single-Family Residential (RS-20M)	Light Industrial (M1)	Light Industrial (LI)
1016-011-05	Single-family residence with ancillary building	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1016-011-06	Single-family residence with ancillary building	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1016-011-15	Commercial & industrial vehicle staging yard	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1016-011-03	Single-family residence	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1016-011-08	M&J Pallet Recycling (light industrial) facility	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1016-011-09	Single-family residence with ancillary building	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1016-011-10	Single-family residence with industrial vehicle staging yard	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1016-011-02	Heavy equipment sales & leasing facility and potential single-family residence	Community Industrial (IC)	General Industrial (M2)	General Industrial (GI)
1013-521-05	Single-family residence	Single-Family Residential (RS-20M)	Light Industrial (M1)	Light Industrial (LI)
1013-521-14	Southwest Rebar industrial materials sales facility	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1013-521-15	Southwest Rebar industrial materials sales facility	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1013-521-16	Southwest Rebar industrial materials sales facility	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1013-531-07	SteelCo USA steel distributor	Regional Industrial (IR)	Light Industrial (M1)	Light Industrial (LI)
1013-521-18	Scott Bros. Dairy	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1013-271-06	Scott Bros. Dairy	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1013-271-14	Commercial & industrial vehicle staging yard	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1013-271-13	Commercial & industrial vehicle staging yard	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1013-271-01	Agricultural supply facility	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1013-261-17	Agricultural supply facility	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)

Table 2.2.A: Existing and Proposed Zoning

APN	Existing Land Use	Existing Zoning Designation (San Bernardino County)	Proposed Zoning Designation (City of Chino)	Existing Chino General Plan Land Use Designation ¹
1013-271-10	Flood Control Channel	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1013-271-11	Flood Control Channel	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1013-521-11	Flood Control Channel	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)
1013-531-04	Flood Control Channel	Community Industrial (IC)	Light Industrial (M1)	Light Industrial (LI)

Sources: San Bernardino County. *Public San Bernardino County Parcel Viewer*. <https://sbcounty.maps.arcgis.com/apps/MapSeries/index.html?appid=f5a50c44766b4c36a3ae014497aa430d> (accessed April 15, 2022).

City of Chino. City of Chino General Plan 2025. *Land Use Element*. Figure LU-2: General Plan Land Use Designations. Adopted July 2010.

¹ The project does not include amendments to General Plan land use designations for any property within the East End Annexation area.

APN = Assessor's Parcel Number

Similar to the 3.59-acre Industrial Development Site, the additional 53.28 acres of surrounding properties would include a zone change from San Bernardino County zoning designations Regional Industrial (IR), Community Industrial (IC), and Single-Family Residential (RS-20M) to City of Chino zoning designation Light Industrial (M1) and General Industrial (M2) (refer to Table 2.2.A: Existing and Proposed Zoning). The Chino General Plan designation for the overall annexation area is Light Industrial (LI) and General Industrial (GI), and proposed build-out of the 3.59-acre Industrial Development Site would be consistent with the City's existing General Plan land use designations for the site and greater annexation area.

No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. Therefore, there would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area is speculative at this juncture, but it is expected to be consistent with the City of Chino Light Industrial (LI) and General Industrial (GI) General Plan and zoning designations for the respective properties. A programmatic analysis for the change of land use designation and zone of the properties within the East End Annexation area is provided in this Initial Study, while future development of any property within the East End Annexation area would be subject to project-level CEQA review when site-specific development applications are submitted to the City for those properties.

The City of Chino will submit an application to LAFCO to annex the East End Annexation area into the City of Chino following approval of the project by the City Council. LAFCO will review this IS/MND as part of the administrative record during the Annexation Process.

2.2.2 Facility and Site Design

Buildout of the 3.59-acre Industrial Development Site would consist of three modern industrial buildings approximately 35 feet in height. The three buildings include warehouse space, office space, and mezzanine space and range from 16,500 square feet to 26,700 square feet, totaling 63,900 square feet of warehouse space. Each office ranges from 2,000 to 4,000 square feet and total 9,000 square feet of office space for the three buildings. Each mezzanine ranges from 1,000 to 2,000 square feet and total 4,000 square feet for the three buildings. The Industrial Development Site plan is presented as Figure 4: Proposed Industrial Development Site Plan. Table 2.2.B summarizes buildout of the Industrial Development Site.

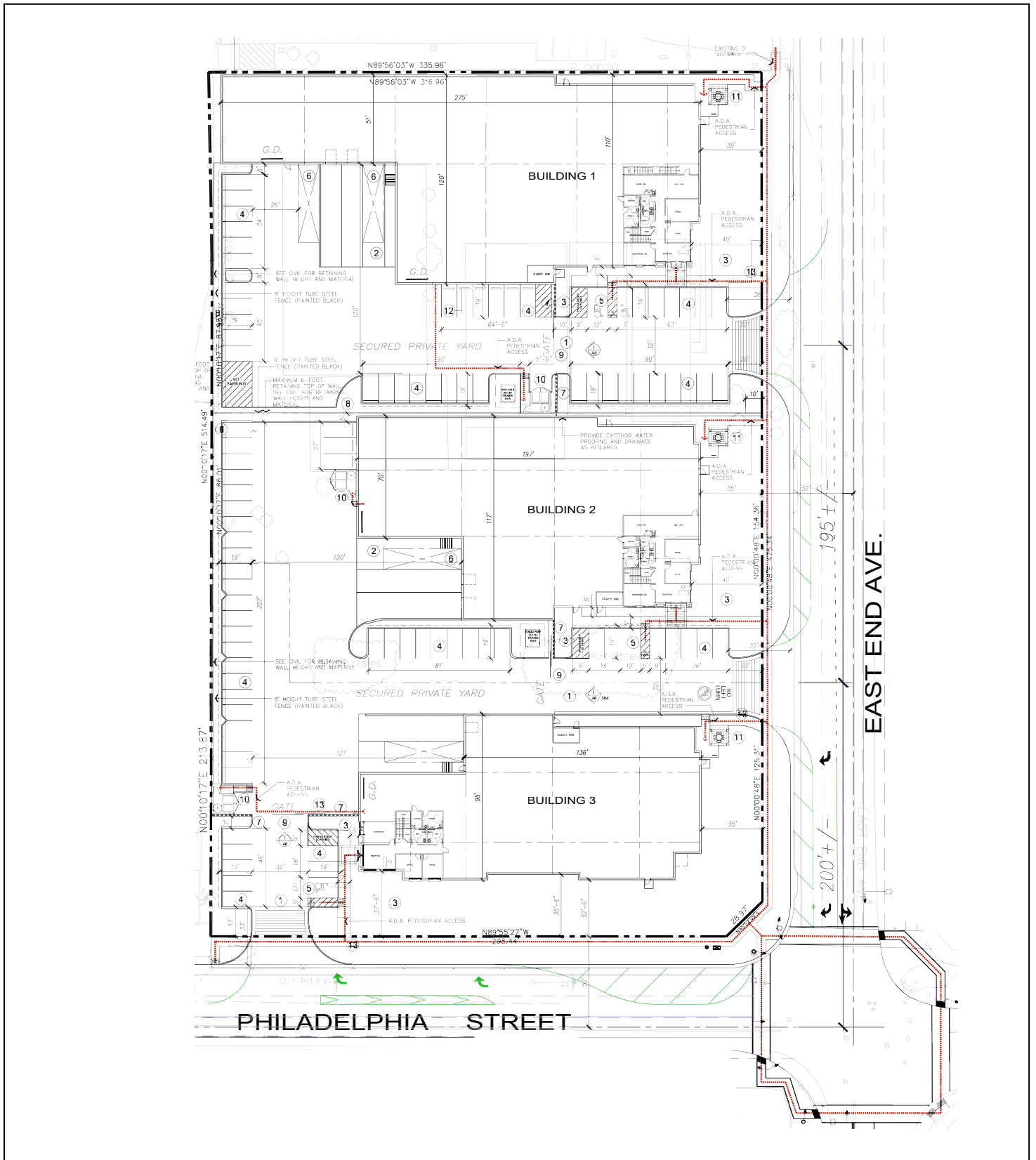


FIGURE 4

LSA



0 50 100
FEET

SOURCE: AO Architecture Design

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Philadelphia Street Industrial Development Site
and East End Annexation Project

Proposed Industrial Development Site Plan

Table 2.2.B: Building Footprint¹⁰

Building # (Bldg)	Land Area (Acres)	Land Area (Square Feet)	Coverage %	FAR	Office (Square Feet)	Warehouse (Square Feet)	Building Area (Square Feet)	Mezzanine (Square Feet)
1	1.42	61,766	40.0	43.2	4,000	22,700	26,700	2,000
2	1.05	45,650	42.0	45.3	3,000	17,700	20,700	1,500
3	1.12	48,845	31.7	33.8	2,000	14,500	16,500	1,000
Total	3.59 ac	156,261	38.0	40.9	9,000	54,900	63,900	4,000

FAR = Floor to Area Ratio

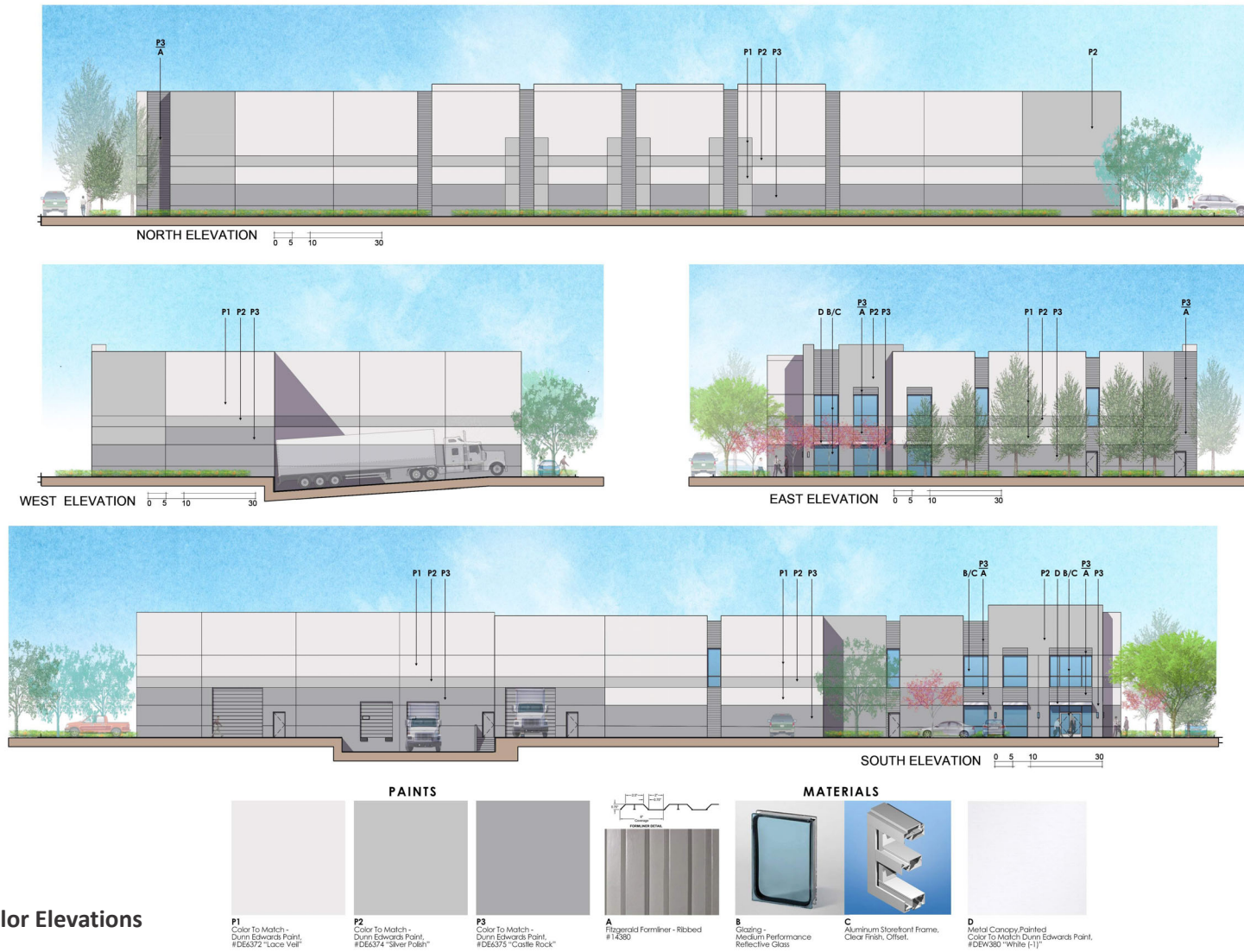
Source: Architects Orange. *Philadelphia Street Industrial Center Master Plan*. Sheet A0.0. March 22, 2022.

Buildout of the 3.59-acre Industrial Development Site would occur in accordance with City development standards prescribed for the light industrial zone, as codified in Section 20.07.040 of the City Municipal Code. Design elements of the Industrial Development Site include 35-foot landscaped setbacks along East End Avenue and minimum 32-foot landscaped setbacks along Philadelphia Street. The three modern warehouse buildings would be designed with varied massing and landscaped areas to complement other industrial buildings in the project vicinity. The three buildings would include medium performance reflective glass with aluminum storefront frames and are designed with a consistent color scheme, which includes shades of neutral grey colors designed to blend uniformly with the surrounding industrial development in the area (refer to the proposed Industrial Development Site building elevations and colors shown in in Figures 5a through 5c. All landscaping is designed and would be installed in accordance with Sections 19.06.050 (Trees and landscaping) and 20.19.40 (Landscape design standards) of the City Municipal Code (refer to Figure 7: Industrial Development Site Landscape Plan).

The Industrial Development Site includes 8-foot-tall tubular steel perimeter fencing along the majority of the western site boundary and on-site 9-foot-tall concrete screen walls with metal rolling gates shielding the proposed loading docks from public view sheds. Light poles would be installed throughout the surface parking lots and along on-site pedestrian pathways. Additionally, the western site boundary would include a 4-foot retaining wall to stabilize a grade separation from the adjacent properties to the west.

The warehouse buildings would have security lighting located on the building façades. Additionally, streetlights would be installed along the project frontage of East End Avenue and Philadelphia Street. All lighting on the project site would comply with Section 20.10.090 (Outdoor lighting) of the City Municipal Code, which requires light shielding, functional and aesthetic design, and compatibility with surrounding uses.

¹⁰ AO-Architects Orange. *Philadelphia Street Industrial Center. Master Plan. Sheet A0.0*. March 2022.

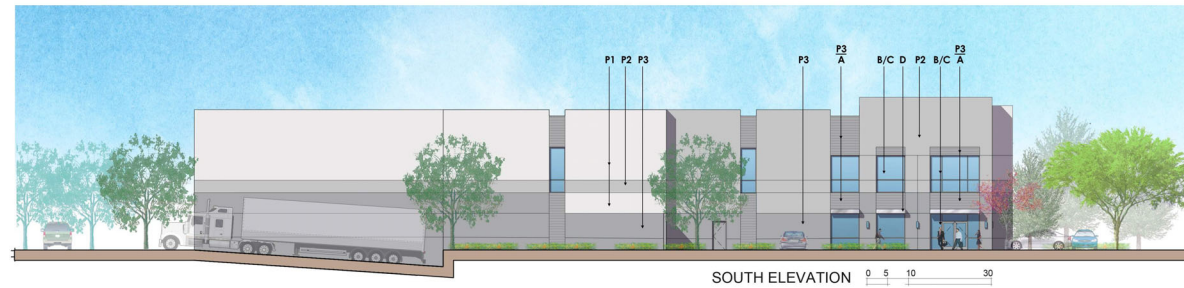
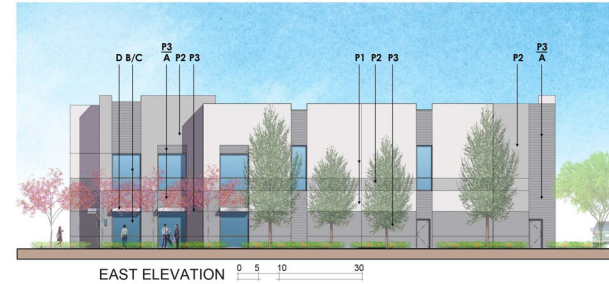
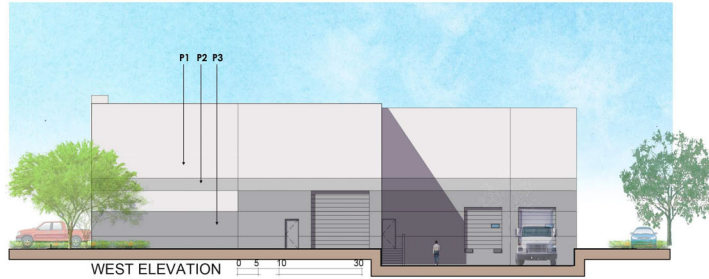
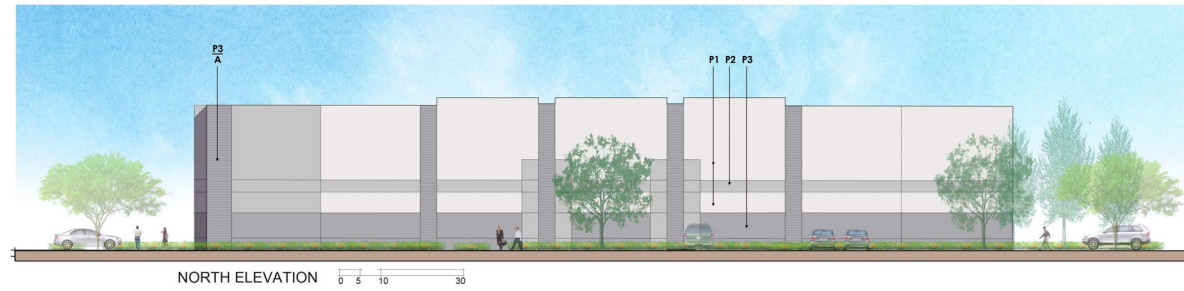


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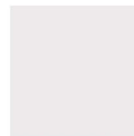
FIGURE 5a

*Philadelphia Street Industrial Development Site
and East End Annexation Project*

Proposed Industrial Development Site Building Elevations



PAINTS



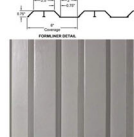
P1
Color To Match -
Dunn Edwards Paint,
#D65372 "Lance Veil"



P2
Color To Match -
Dunn Edwards Paint,
#D65374 "Silver Palmy"



P3
Color To Match -
Dunn Edwards Paint,
#D65375 "Castle Rock"



A
Fitzgerald Formliner - Ribbed
#14380



B
Glazing -
Medium Performance
Reflective Glass



C
Aluminum Storefront Frame,
Clear Finish, Offset

D
Metal Canopied Painted
Color To Match Dunn Edwards Paint,
#DEV383 "White (1)"

Building 2 Color Elevations

LSA

FIGURE 5b

*Philadelphia Street Industrial Development Site
and East End Annexation Project*

Proposed Industrial Development Site Building Elevations



LSA

FIGURE 5c

*Philadelphia Street Industrial Development Site
and East End Annexation Project*

Proposed Industrial Development Site Building Elevations

2.2.3 Infrastructure and Off-site Improvements

Upon annexation of the East End Annexation area into the City of Chino, the Industrial Development Site would interconnect to the existing municipal stormwater infrastructure along Philadelphia Street and/or East End Avenue. The Monte Vista Water District¹¹ and the Inland Empire Utilities Agency (IEUA)¹² are responsible for the site's water and wastewater services. Additionally, the Industrial Development Site would include interconnection to existing municipal gas, electrical, and storm drains within the Philadelphia Street and/or East End Avenue right-of-way.

Buildout of the Industrial Development Site includes dedication of 19 feet of right-of-way along Philadelphia Street and East End Avenue frontages and construction of the ultimate half width of these roadways pursuant to the City's General Plan designation for a Secondary Arterial Street pursuant to Chapter 19.07 (Subdivision, Improvements, Dedications, and In-Lieu Fees) of the City Municipal Code (refer to Figure 6: Proposed Industrial Development Site Grading Plan). Additional off-site improvements include installation of curb, gutter, sidewalk, landscaping, streetlights, and trees along the Industrial Development Site frontage of Philadelphia Street and East End Avenue. In addition, the project would include a four-way traffic signal with two-phase operation and crosswalk striping on all legs at the East End Avenue and Philadelphia Street intersection. Finally, the project includes reconfiguration of the existing utilities within the right-of-way dedication area by relocating them underground along Philadelphia Street and East End Avenue pursuant to City Municipal Code Section 13.32.030 (Requirement to underground utility devices).

2.2.4 Construction

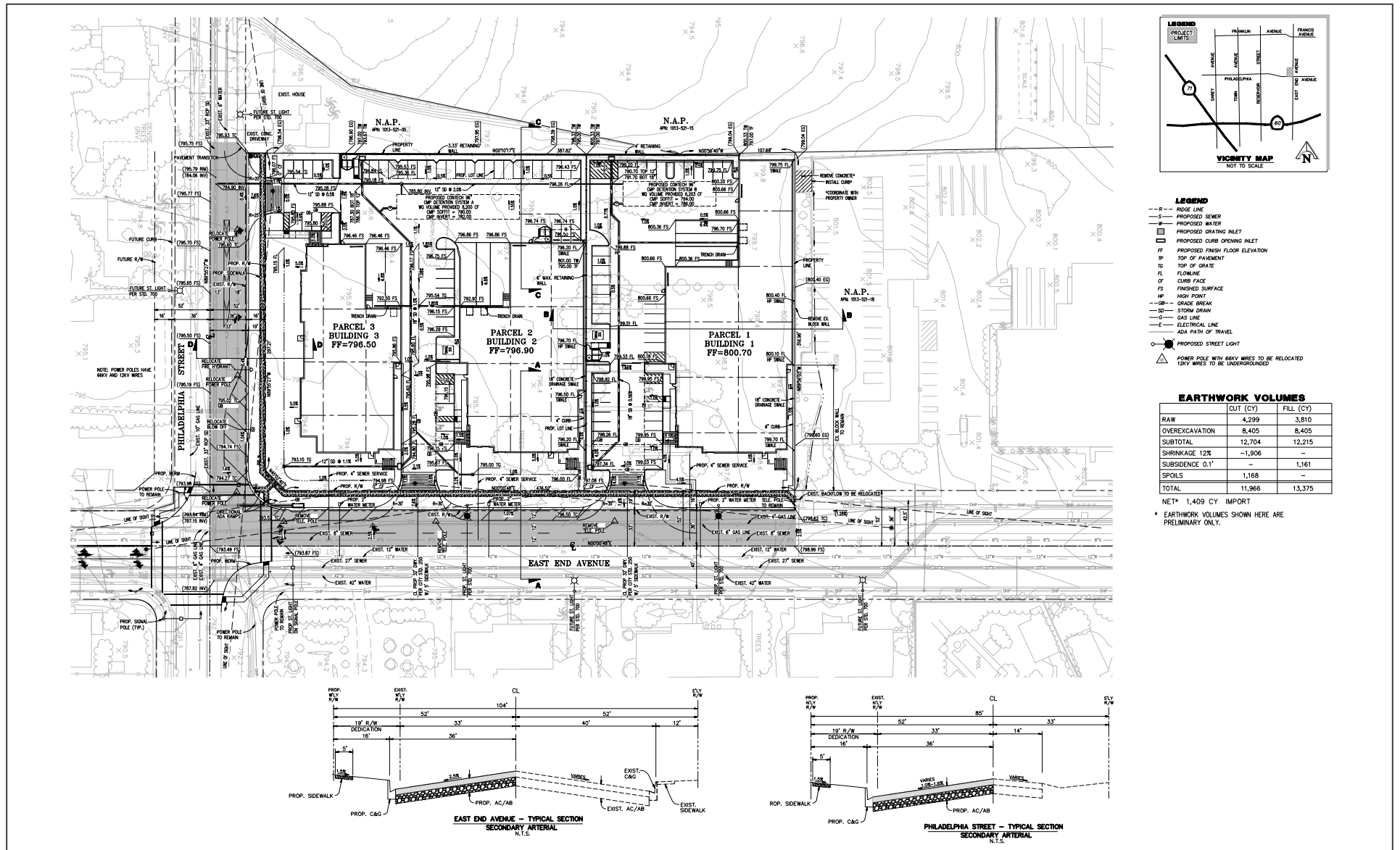
Construction activities would occur only on the Industrial Development Site (APN 1013-521-04) and include demolition of the existing residential structure and concrete pad and removal of existing on-site fencing and vegetation, including all trees currently on the property. Construction would also include excavation, grading, paving, construction of the three warehouse buildings and drive aisles/parking areas, and the installation of lighting, landscaping, and utility connections. During grading, on-site soils would be excavated and recompacted in accordance with the 2022 California Building Code (CBC) to accommodate the proposed industrial buildings and drive aisles/parking areas.

Construction equipment parking and staging would occur on the Industrial Development Site. Construction hours would conform to City standards and be limited to 7:00 a.m. to 8:00 p.m. Monday through Saturday. According to the project conceptual grading plans, approximately 1,409 cubic yards of imported soil (fill) would be required for excavation, compaction, and rough grading.

Construction of the project is anticipated to commence in early 2023 and be completed in the winter of 2024, resulting in a total construction duration of approximately 12 months. Construction equipment anticipated to be used includes rubber-tired dozers, tractors/loaders/backhoes, excavators, graders, scrapers, cranes, forklifts, generators, welders, air compressors, and paving equipment.

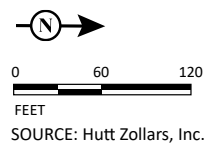
¹¹ Monte Vista Water District. Service Area Map. No date. <https://www.mvwd.org/DocumentCenter/View/985/Map-of-MVWD-Service-Area> (accessed April 13, 2022).

¹² Inland Empire Utilities Agency. Service Area Map. No date. <https://www.arcgis.com/apps/mapviewer/index.html?layers=332812709cee4554b32bc6f31df1a9fe> (accessed April 13, 2022).



LSA

FIGURE 6



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Philadelphia Street Industrial Development Site
and East End Annexation Project
Proposed Industrial Development Site Grading Plan

2.2.5 Parking and Site Access

Pursuant to Section 20.18.030 of the City Municipal Code, buildout of the Industrial Development Site with 54,900 square feet of warehouse (storage) space and 9,000 square feet of office space would require 91 parking spaces, and the project includes 97 spaces for the three warehouse buildings. Building 1 would include 44 parking spaces, including two spaces for truck trailers. Building 2 would include 30 parking spaces, including one space for truck trailers. Building 3 would include 23 parking spaces, including one space for truck trailers. Additionally, five bicycle parking spaces would be constructed (two each for Building 1 and 2, and one for Building 3).

There is no existing vehicle or pedestrian access to the Industrial Development Site. Primary vehicle access to the site is proposed via three two-way driveways. Two of the entrances would be constructed along East End Avenue and the third entrance would be constructed along Philadelphia Street (refer to Figure 4: Proposed Industrial Development Site Plan). The proposed driveways would include landscape treatments to be reviewed and approved through the City's general development review process. Entrances and exits to and from parking and loading facilities would be marked clearly with appropriate directional signage. All site access points and driveway aprons are designed and would be constructed to minimum 12-foot widths for one-way traffic and 20-foot widths for two-way traffic pursuant to City Municipal Code Section 20.18.050(L).

2.2.6 Bicycle and Pedestrian Connectivity

The Industrial Development Site is accessible from nearby public bus stops as well as other amenities along nearby major transportation corridors such as S. Reservoir Street (0.35 mile west of the site). Bicycle access to the site is provided via Class III bikeways along Philadelphia Street and East End Avenue, and buildout of the Industrial Development Site would further facilitate bicycle connectivity in the community via right-of-way dedication and half-width buildout of the roadways fronting the site and through construction of five designated bicycle parking spaces to secure equipment.

Pedestrian access to the Industrial Development Site is currently lacking but would be improved through the proposed off-site frontage improvements along Philadelphia Street and East End Avenue, which would include sidewalks, street trees, and lighting to interconnect to the existing public sidewalk along the west side of East End Avenue north of the site and south side Philadelphia Street southeast of the site. A proposed network of on-site sidewalks conforming to the latest Americans with Disabilities Act (ADA) and City standards would facilitate pedestrian access to all buildings throughout the site and would interconnect with new on-site courtyards to encourage employees to be active (Figure 4: Proposed Industrial Development Site Plan).

2.2.7 Landscaping

Buildout of the Industrial Development Site would include landscaping through a combination of hedges and trees concentrated along the street frontages, driveway entrances, and common areas, as well as and dozens of additional trees throughout the site parking areas and drive aisles (Figure 7: Proposed Industrial Development Site Landscape Plan). Enhanced landscaping would be installed on the project site frontage along Philadelphia Street pursuant to Section 19.06.050(C), which requires the applicant to prepare and submit a *Street Tree and Landscape Plan* to the City for review and



PROPOSED PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE / FORM	SPACING	WATER USE	DESCRIPTION	QTY.
TREES							
	LOPHOSTEMON CONFERTUS	BRISBANE BOX	48" BOX / STD.	PER PLAN	L	PERIMETER SCREEN	12
	CERCIDIUM DESERT MUSEUM	DESERT MUSEUM PALO VERDE	36" BOX / MULTI-TRUNK	PER PLAN	L	SPECIMEN ACCENT	8
	PINUS ELДАРICA	AFGHAN PINE	48" BOX / STD.	PER PLAN	L	EVERGREEN TREE	15
	PINUS ELДАРICA	AFGHAN PINE	24" BOX / STD.	PER PLAN	L	EVERGREEN TREE	9
	RHUS LANCEA	AFRICAN SUMAC	60" BOX / STD.	PER PLAN	L	PARKING LOT CANOPY	2
	RHUS LANCEA	AFRICAN SUMAC	24" BOX / STD.	PER PLAN	L	PARKING LOT CANOPY	5
	CERCIS CANADENSIS FOREST PANSY	FOREST PANSY REDBUD	24" BOX / STD.	PER PLAN	L	BUILDING ENTRY ACCENT	19
	KOELREUTERIA BIPINNATA	CHINESE FLAME TREE	24" BOX / STD.	PER PLAN	L	STREET TREE	2
SHRUBS, GRASSES, & GROUNDCOVERS							
GROUNDCOVERS							
	ROSMARINUS O. PROSTRATUS	PROSTRATE ROSEMARY	1 GAL.	36" O.C.	L	EVERGREEN	
	TEUCRUM CHAMAEDRYS	GERMANDER	1 GAL.	24" O.C.	L	FLOWERING	
FOREGROUND							
	ALOE 'BLUE ELF'	BLUE ELF ALOE	1 GAL.	24" O.C.	L	SUCCULENT ACCENT	
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL.	24" O.C.	L	ORNAMENTAL GRASS	
	DIANELLA 'LITTLE REV'	LITTLE REV FLAX LILY	1 GAL.	24" O.C.	L	UPRIGHT ACCENT	
	FESTUCA MAIREI	ATLAS FESCUE	1 GAL.	30" O.C.	L	ORNAMENTAL GRASS	
MIDGROUND							
	CALLISTEMON 'LITTLE JOHN'	DWARF BOTTLEBRUSH	5 GAL.	30" O.C.	L	FLOWERING SHRUB	
	LANTANA 'NEW GOLD'	NEW GOLD LANTANA	5 GAL.	36" O.C.	L	FLOWERING LOW SHRUB	
	MUHLENBERGIA EMERSLEYI 'EL TORO'	EL TORO BULL GRASS	1 GAL.	30" O.C.	L	ORNAMENTAL GRASS	
BACKGROUND							
	OLEA X MONTRA	LITTLE OLLIE	5 GAL.	48" O.C.	L	EVERGREEN SHRUB	
	SENNA ARTEMISIOIDES	FEATHERY CASSIA	5 GAL.	60" O.C.	L	LARGE FLOWERING	
	WESTRINGIA WYNYABBIE GEM	COAST ROSEMARY	5 GAL.	36" O.C.	L	FLOWERING HEDGE	

WATER USE KEY:
 VL = VERY LOW WATER USE, L = LOW WATER USE, M = MODERATE WATER USE, H = HIGH WATER USE. WATER USE STATED IS PER A GUIDE TO ESTIMATING IRRIGATION WATER NEEDS OF LANDSCAPE PLANTINGS IN CALIFORNIA (ALSO REFERRED TO AS WUCOLS) FOR REGION 4.

LANDSCAPE AREA CALCULATIONS

SITE
 LAND AREA: 156,261 SF. (3.59 AC.)
 REQUIRED LANDSCAPE AREA:
 15,626 SF. (10%)
 PROVIDED LANDSCAPE AREA:
 28,865 SF. (18%)

BUILDING 1
 LAND AREA: 61,766 SF. (1.418 AC.)
 LANDSCAPE: 8,442 SF.
 LANDSCAPE PERCENTAGE: 13.6%

BUILDING 2
 LAND AREA: 45,650 SF. (1.048 AC.)
 LANDSCAPE: 7,166 SF.
 LANDSCAPE PERCENTAGE: 15.7%

BUILDING 3
 LAND AREA: 48,845 SF. (1.121 AC.)
 LANDSCAPE: 13,257 SF.
 LANDSCAPE PERCENTAGE: 27.1%

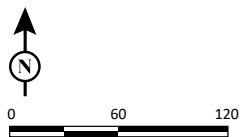
TREE CALCULATIONS

SITE AREA: 3.59 ACRES
 TREES REQUIRED: 20 TREES PER
 ACRE = (72) TREES
 TREES PROVIDED: 72
 TREE BOX SIZE PERCENTAGES:
 • 15 GAL: (36) 50%
 • 24" BOX: (28) 39%
 • 36" BOX OR LARGER: (8) 11%
 TREE SPECIES REQUIRED: 5 SPECIES
 TREE SPECIES PROVIDED: 6 SPECIES

TREE REPLACEMENT CALCULATIONS

REQUIRED REPLACEMENT TREES: PER
 ARBORIST REPORT
 - 36" BOX = 7
 - 48" BOX = 27
 - 60" BOX = 2

LSA



SOURCE: AO Architecture Design

I:\GMS2201\G\Landscape_Plan.ai (1/27/2023)

FIGURE 7

Philadelphia Street Industrial Development Site
 and East End Annexation Project
 Proposed Industrial Development Site Landscape Plan

approval by the Director of Development Services. Proposed landscaping would be drought-tolerant and complement existing natural and manmade features, including the dominant landscaping of surrounding areas. The City requires at least 10 percent of the Industrial Development Site (at least 15,626 square feet) to be landscaped, and the project includes landscaping on 18 percent (28,865 square feet) of the Industrial Development Site.

2.2.8 Drainage

The majority of the Industrial Development Site consists of pervious surface area. Currently, storm water generally sheet flows in a southerly direction and drains off site onto Philadelphia Street and East End Avenue where it flows either west along Philadelphia Street into the concrete San Antonio Creek Channel or south along East End Avenue prior to entering the municipal storm drain system along East End Avenue north of SR-60. The proposed project is expected to maintain the existing drainage pattern of the Industrial Development Site. Upon development of the site, storm water would be captured on site in accordance with Santa Ana Regional Water Quality Control Board Order Number R8-2010-0036, National Pollutant Discharge Elimination System Permit No. CAS618036, also known as the Municipal Separate Storm Sewer System or MS4 permit.

Stormwater runoff from on-site building rooftops and paved areas would surface flow into the drainage swales within the proposed landscaped areas and multiple on-site catch basins and be pretreated with inlet filters and grates before draining to two underground detention systems proposed beneath the on-site drive aisles in the western portion of the site west of the proposed warehouse buildings.¹³ The two underground detention systems would provide 14,403 cubic feet of water storage for infiltration. Any overflow from the underground detention systems would be routed to the existing 33-inch storm drain at Philadelphia Street through a storm-drain pipe prior to draining into the concrete San Antonio Creek Channel at volumes that do not exceed the existing, pre-developed condition (refer to Figure 6: Proposed Industrial Development Site Grading Plan).

¹³ Huitt-Zollars, Inc. Preliminary Water Quality Management Plan for Philadelphia and East End Industrial, HZ Project Number R310158.01. Ontario, California. February 24, 2021. (Appendix H1).

2.3 METHODOLOGY

The analysis in this IS/MND provides an environmental review of the project pursuant to CEQA. The details of this proposed project and associated actions have been characterized in this section and are also addressed in detail throughout Section 3.0 of this IS/MND. If the project is approved, the proposed development would be allowed without further discretionary approval, so long as the development complies with the City's regulations and project-specific mitigation measures and Conditions of Approval.

2.4 REQUIRED PERMITS AND APPROVALS

The City is expected to use this IS/MND in consideration of the proposed industrial warehouse uses and associated actions. These actions may include, but are not limited to, the following:

- Prezone and Annexation (PL 20-0003);
- Site Approval and Design Review (PL 20-0004);
- Tentative Parcel Map No. 20174 (PL 20-0005); and
- Grading Permit.

Approvals from other regulatory agencies may also be required and are listed as follows:

- State Water Resources Control Board: Applicant must submit a Notice of Intent to comply with the General Construction Activity National Pollutant Discharge Elimination System (NPDES) Permit.¹⁴
- San Bernardino County Local Agency Formation Commission (LAFCO): The City of Chino will submit an application to LAFCO to annex the East End Annexation area into the City of Chino following approval of the project by the City Council. LAFCO will review this Initial Study/Mitigated Negative Declaration as part of the administrative record during the Annexation Process.
- Utility Providers: Connection permits.

¹⁴ Construction General Permit requirements are transferred to local agencies by way of the NPDES program. Since the City of Chino (lead agency) complies with the NPDES program guidelines, the State Water Resources Control Board is not a responsible agency or trustee agency with jurisdiction over the proposed project.

3.0 INITIAL STUDY CHECKLIST

1. Project Title:

Philadelphia Street Industrial Development Site and East End Annexation Project

2. Lead Agency Name and Address:

City of Chino
Development Services Department
13220 Central Avenue
Chino, California 91710

3. Contact Person and Phone Number:

Kim Le, Associate Planner
(909) 334-3330
KLe@cityofchino.org

4. Project Location:

The project site consists of the 56.87-acre East End Annexation area, which includes the 3.59-acre Industrial Development Site, and is within the Santa Ana del Chino Land Grant, as shown on the United States Geological Survey (USGS) *Ontario, California* 7.5-minute quadrangle. Figure 1: Project Location and Regional Vicinity shows the location of the project on a regional scale. The majority of the site (northern 85 percent) is located within Township 1 South, Range 8 West, while the southerly 15 percent of the site is located within Township 2 South, Range 8 West of the San Bernardino Base & Meridian (SBBM). Regionally, the project site is approximately 2.5 miles northwest from the center of City of Chino, 0.5 mile north of State Route 60 (SR-60) and 2 miles east of State Route 71 (SR-71). The site is accessed regionally from SR-60 and the Reservoir Street interchange, and from SR-71 and the Philadelphia Street interchange. As indicated in Figure 2: Project Site, the project site is adjacent to the west of East End Avenue between Francis Avenue to the north, Maxon Lane to the south, and the San Antonio Creek Channel to the west¹⁵ in unincorporated San Bernardino County within the City of Chino Sphere of Influence (SOI).

5. Project Sponsor's Name and Address:

Golden Management Services, Inc.
4900 Santa Anita Avenue, Suite #2C
El Monte, California 91731

6. Existing General Plan Designation:

City of Chino: LI – Light Industrial
City of Chino: GI – General Industrial

¹⁵ One parcel (APN 1013-531-07) within the East End Annexation area is located adjacent to the west of the San Antonio Creek Channel and north of Philadelphia Street.

7. Proposed General Plan Designation:

City of Chino: LI – Light Industrial (no change)
City of Chino: GI – General Industrial (no change)

8. Existing Zoning:

San Bernardino County: IR – Regional Industrial
San Bernardino County: IC – Community Industrial
San Bernardino County: RS-20M – Single-Family Residential

9. Proposed Zoning:

City of Chino: M1 – Light Industrial (refer to Table 2.2.A: Existing and Proposed Zoning)
City of Chino: M2 – General Industrial (refer to Table 2.2.A: Existing and Proposed Zoning)

10. Description of Property, Surrounding Land Uses, and Setting:

The 56.87-acre project site was previously utilized for orchard and row crop agriculture as early as the 1930s, by which time Philadelphia Street and East End Avenue proceeded in their current alignments through the site.¹⁶ San Antonio Creek, a natural north-south drainage flowing generally along the western site boundary, was channelized via a concrete box channel in the mid-1950s.¹⁷ A single-family residential structure was constricted on the 3.59-acre Industrial Development Site (APN 1013-521-04) within the East End Annexation area by 1964, and four additional ancillary buildings were added to the Industrial Development Site by 1972.¹⁸ Predominant agricultural activities on the project site began to cede to industrial development in the 1970s and 1980s. Offsite residential development within the City of Chino east of East End Avenue generally coincided with development of the project site during the 1970s and 1980s.¹⁹ The single-family residential structure and ancillary buildings on the 3.59-acre Industrial Development Site are observed in aerial photographs through 2018, but as of 2022, only the single-family residential structure remains with 14 trees and scattered ruderal vegetation.²⁰ Figures 3a through 3d: Site Photographs provide photographs of the project site and surrounding land uses.

11. Other Public Agencies whose Approval is Required:

The City is expected to use this IS/MND in consideration of the proposed industrial warehouse use and associated actions. These actions may include, but are not limited to, the following:

- Prezone and Annexation (PL 20-0003);
- Site Approval and Design Review (PL 20-0004);
- Tentative Parcel Map No. 20174 (PL 20-0005); and
- Grading Permit.

¹⁶ Nationwide Environmental Title Research, LLC. *Historic Aerials by NETRONLINE*. Aerial Photographs (1938, 1953, 1959). <https://historicaerials.com/viewer> (accessed April 15, 2022).

¹⁷ *Ibid.*

¹⁸ *Ibid.* Aerial Photographs (1964 and 1972).

¹⁹ *Ibid.* Aerial Photographs (1972, 1980, 1985, 1987, 1992).

²⁰ Ruderal vegetation consists of species (often invasive) that are first to colonize disturbed lands.

Approvals from other regulatory agencies may also be required and are listed as follows:

- State Water Resources Control Board: Applicant must submit a Notice of Intent to comply with the General Construction Activity National Pollutant Discharge Elimination System (NPDES) Permit.²¹
- San Bernardino County Local Agency Formation Commission (LAFCO): The City of Chino will submit an application to LAFCO to annex the East End Annexation area into the City of Chino following approval of the project by the City Council. LAFCO will review this Initial Study/Mitigated Negative Declaration as part of the administrative record during the Annexation Process.
- Utility Providers: Connection Permits

12. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, has consultation begun? Yes. Please refer to Checklist Section 3.18 (Tribal Cultural Resources). *Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code Section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code Section 21082.3(c) contains provisions specific to confidentiality.*

²¹ Construction General Permit requirements are transferred to local agencies by way of the NPDES program. Since the City of Chino (lead agency) complies with the NPDES program guidelines, the State Water Resources Control Board is not a responsible agency or trustee agency with jurisdiction over the proposed project.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural 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 Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input 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 the initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that 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: Kim Le Date: 9/12/23

Name and Title: Kim Le, Associate Planner

3.1 AESTHETICS

Would the project:

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

a. Would the project have a substantial adverse effect on a scenic vista?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site is proposed along Philadelphia Street and East End Avenue, which are major roadways in the City, and scenic vistas in the project vicinity consist of views toward the San Gabriel Mountains to the north and the Chino Hills to the south. Chino General Plan Goal CC-6 requires developers to preserve the City's view corridors. In particular, the City encourages the siting of buildings along major roadways to create a strong street edge by placing development along street fronts to enhance the visual quality of the area, give better definition to a street, and provide a sense of security for pedestrians and separation from vehicle traffic.²²

Development of the Industrial Development Site with three industrial buildings totaling 63,900 square feet, associated infrastructure, parking, sidewalk, and other site improvements required by the City is subject to approval of a development application by the City, which includes design review (PL 20-0004) of the project. Section 20.17.080(C) and (D) of the City Municipal Code provide guidance and standards for the building massing and façade to ensure compatibility with the surrounding built environment and protection of scenic vistas. All project structures would be constructed up to 35 feet tall in accordance with Table 20.07-2 (Industrial Development Standards) of the M1 – Light Industrial Zone in which they are proposed. This would ensure the proposed structures are commensurate with the surrounding building heights, the closest of which is the Scott Bros. Dairy facility featuring buildings taller than 35 feet on the adjacent property to the north of the proposed Industrial Development Site. Additionally, design of the project site would exceed all required setbacks, particularly along East End Avenue where the proposed 35-foot setbacks would be landscaped with a

²² City of Chino. *City of Chino General Plan 2025. Chapter 5 – Community Character Element*. Page CC-8. July 2010.

combination of perimeter hedges and street trees along an area of the site abutting a residential zone to the east where the required setback is a minimum 20 feet.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses, some of which have been designed, constructed, and operated prior to adoption of current development standards designed to ensure compatibility between differing land uses. The majority of properties composing the annexation area already conform to their respective land use designations per the City's General Plan (refer to Table 2.2.A: Existing and Proposed Zoning). The outlier residential property (APN 1013-521-05) would physically remain residential but be subject to a zone change in order to achieve consistency with the City's existing General Plan land use designation of Light Industrial for the property.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties. As part of any development application within the East End Annexation area, all future projects would be subject to design review by the various City departments in accordance with Chino General Plan Goal CC-6, as well as compliance with Section 20.17.080 of the City Municipal Code that provide guidance and design standards to ensure compatibility with the surrounding built environment and protection of scenic vistas. Additionally, projects proposed within the East End Annexation area would be reviewed for compliance with Objective CC-3.2, Policy P8, which requires infill development to be consistent in scale and character with existing neighborhoods; Objective CC-6.1, Policy P1, which requires new development to be designed and sited to support views of the San Gabriel Mountains and Chino Hills, and Objective CC-6.1, Policy P2, which requires the City to preserve views of the surrounding environment through building design and orientation. Through the City's design review process on a project-specific level, proposed projects would be designed and developed commensurate with the surrounding uses, which are primarily industrial within the East End Annexation area.

Significance Conclusion: The approval of development plans occurs through the City's general development review process; the City Development Services Department reviews all development plans through plan check as specified in Section 20.23.090 (Site approvals) of the City Municipal Code. As part of this process, the proposed project would be designed and constructed in conformance with the requirements of the City to protect scenic vistas in accordance with General Plan Goals and Policies. Therefore, impacts to scenic vistas would be **less than significant**, and mitigation is not required.

b. Would the project substantially damage scenic resources, including, but not limited to trees, rock outcroppings and historic buildings within a state scenic highway?

No Impact

Discussion of Effect:

Industrial Development Site: According to the General Plan Environmental Impact Report (GPEIR)²³ and Caltrans,²⁴ there are no officially designated state scenic highways in the City. State Route 142 (SR-142), where it extends through the Chino Hills, is an Eligible State Scenic Highway but has not been officially designated. The portion of this highway that is considered an Eligible State Scenic Highway is located approximately 3.5 miles south of the Industrial Development Site. Multiple urban uses of varying types are located between the Industrial Development Site and SR-142, which renders SR-142 well outside the view shed of the Industrial Development Site.

East End Annexation: The East End Annexation area is located approximately 3.5 miles north of SR-142, which is an Eligible State Scenic Highway. No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. Multiple urban uses of varying types are located between the East End Annexation area and SR-142, which renders SR-142 well outside the view shed of the East End Annexation area.

Significance Conclusion: The project site is located 3.5 miles north of the nearest State Scenic Highway, and substantial distance and existing visual obstructions such as SR-60, SR-71, and commercial, industrial and residential development occur between [eligible] State scenic highway I-142 and the project site. Therefore, the project site is well outside the view shed of SR-142, and **no impact** associated with this issue would occur. No mitigation is required.

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

Less than Significant Impact

Discussion of Effect: As of July 1, 2021, the United States Census Bureau estimated the City's population to be 92,975 persons and the City's land area to be approximately 29.64 square miles.²⁵ The project is located in an area with at least 1,000 persons per square mile and therefore meets the definition of Urbanized Area under Section 15387 of the *CEQA Guidelines*.

Industrial Development Site: The Industrial Development Site is covered by ruderal vegetation²⁶ consisting primarily of annuals bromes (*Bromus* sp.), ornamental trees, including one coast live oak tree, and resprouting tree stumps.²⁷ These ruderal species dominate the project site as a result of seasonal weed abatement activities and other on-site disturbances. Furthermore, the on-site residence is in a decaying condition with boarded windows, and the entire site is surrounded with

²³ City of Chino. *General Plan Environmental Impact Report*. Page 4.1-5. January 25, 2010. https://cdn5-hosted.civildive.com/UserFiles/Servers/Server_10382578/File/City%20Hall/Plans/General/04.01_Aesthetics_PR.pdf (accessed June 17, 2022).

²⁴ California Department of Transportation. *Scenic Highways*. <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways> (accessed June 17, 2022).

²⁵ United States Census Bureau. *QuickFacts, Chino City, California*. <https://www.census.gov/quickfacts/fact/table/chinocitycalifornia/PST045219> (accessed June 17, 2022).

²⁶ Ruderal vegetation is comprised of species (often invasive) that are first to colonize disturbed lands.

²⁷ LSA Associates, Inc. *Biological Resources Assessment and Tree Inventory for the Philadelphia Street Industrial Center Project in the City of Chino Sphere of Influence*. Page 2. June 14, 2022.

chain-linked fencing that reveals the industrial activities occurring on the adjacent property to the west from the public view shed, as well as from the residential uses across East End Avenue to the east. Accordingly, the overall character of the Industrial Development Site is as a neglected, dilapidated property that is underutilized and surrounded by industrial development to the north, west, and south, with residential uses to the east. Figures 3a through 3d: Site Photographs provide photographs of the project site and surrounding land uses.

During construction, the presence of construction vehicles and equipment could temporarily degrade the visual quality of the Industrial Development Site by removal of vegetation, heavy equipment use, and storage, excavation, and the presence of other visible general construction activity. However, the presence of construction equipment and vehicles would be consistent with existing uses adjacent to the west already visible from the public view shed and from the residential uses to the east. Additionally, construction on the Industrial Development Site would be temporary and would cease once construction is complete.

The project site frontage along Philadelphia Street and East End Avenue lacks curb, gutter, sidewalks, or other improvements. Construction of the project would include improvements to both the Philadelphia Street and East End frontages and would include curb, gutter, sidewalks, and landscaped setbacks to improve the overall visual character of the project site from an underutilized and dilapidated property to a high-quality industrial development in accordance with General Plan Goal CC-1.

The Industrial Development Site would be developed in accordance with City development standards prescribed for the light industrial zone, as codified in Section 20.07.040 of the City Municipal Code. Design elements of the Industrial Development Site include 35-foot landscaped setbacks along East End Avenue and minimum 32-foot landscaped setbacks along Philadelphia Street. All landscaping is designed and would be installed in accordance with Sections 19.06.050 (Trees and landscaping) and 20.19.040 (Landscape design standards) of the City Municipal Code. The site would be landscaped through a combination of hedges and trees along the site perimeter and include dozens of additional trees throughout the site.

Current views of the Industrial Development Site from public areas and the residential uses across East End Avenue to the east reveal an abandoned residence in a decaying condition with boarded windows and industrial activities such as the staging of heavy equipment and materials on the adjacent property to the west. Development of the Industrial Development Site would entail three modern warehouse buildings designed with varied massing and landscaped areas to add subtle variation to the overall structures and reduce the massive scale appearance of large buildings while complimenting other industrial buildings in the project vicinity. The three buildings would include medium performance reflective glass with aluminum storefront frames and are designed with a consistent color scheme, which includes shades of neutral grey colors designed to blend uniformly with the surrounding industrial development in the area. In accordance with General Plan Policy P1 under Objective CC-2.3, the proposed project would be developed in an architecturally pleasing fashion to reflect the overall appearance of a high-quality industrial development that would improve the existing condition of the site and enhance the sense of arrival to the City. Furthermore, truck dock doors would face toward existing industrial uses to the west, north, and away from the residentially-zoned uses to the east and would be screened from any public or residential view shed by screen walls

and the warehouse buildings (refer to the proposed Industrial Development Site building elevations and colors shown in in Figures 5a through 5c. Enhanced landscaping would be installed on the project site frontage along Philadelphia Street and East End Avenue pursuant to Section 19.06.050(C), which requires the applicant to prepare and submit a *Street Tree and Landscape Plan* to the City for review and approval by the director of community development (refer to Figure 7: Proposed Industrial Development Site Landscape Plan).

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses, some of which have been designed, constructed, and operated prior to adoption of current development standards designed to ensure compatibility between differing land uses. The majority of properties composing the annexation area already conform to their respective land use designations per the City's General Plan (refer to Table 2.2.A: Existing and Proposed Zoning), which are industrial. The outlier residential property (APN 1013-521-05) would physically remain residential but be subject to a zone change in order to achieve consistency with the City's existing General Plan land use designation of Light Industrial for the property, but no change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties. As part of any development application within the East End Annexation area, all future projects would be subject to design review by the various City departments in accordance with Objective CC-2.1, Policy P1, which requires high quality infill development, as well as Objective CC-3.2, Policy P8, which requires infill development to be consistent in scale and character with existing neighborhoods. Through the City's design review process on a project-specific level, proposed projects would be designed and developed commensurate with the surrounding uses, which are primarily industrial within the East End Annexation area, to ensure community character is maintained in accordance with Chino General Plan Goal CC-1 and that future development within the East End Annexation area creates a high-quality entryway that signals a transition into the City in accordance with Chino General Plan Objective CC-2.3.

Significance Conclusion: The approval of development plans occurs through the City's general development review process; the City Development Services Department reviews all development plans through plan check as specified in Section 20.23.090 (Site Approvals) of the City Municipal Code. As part of this process, the proposed project would be designed and constructed in conformance with the City's General Plan Goals and Policies to ensure a high-quality development compatible with the surrounding community. Due to the existing dilapidated condition of the Industrial Development Site and generally industrial nature of the East End Annexation area, impacts to visual character of the project site and its surroundings would be **less than significant** from construction and operation of the project.

d. Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: Currently, nighttime lighting is produced by surrounding industrial and residential properties, street lighting, and vehicles on adjacent roadways. The Industrial Development Site would include three warehouse buildings with operational and security lighting and passenger vehicle and truck trips that would incrementally increase ambient nighttime illumination in the area. To reduce impacts from light or glare, on-site lighting would be shielded such that it would minimize light spillage onto adjacent properties in accordance with City Municipal Code Section 20.10.090 (Outdoor lighting) and General Plan Policy P5 under Goal CC-1.1. The applicant must submit a lighting plan to be reviewed by the City's Development Review Committee to ensure lighting would not substantially affect daytime or nighttime views in the project area.

Glare can also be produced during the daytime and is usually associated with reflective building materials, such as glass, stainless steel, aluminum, and photovoltaic panels. The three buildings would include medium performance reflective glass with aluminum storefront frames and are designed with a consistent color scheme, which includes shades of neutral grey colors designed to blend uniformly with the surrounding industrial development in the area. Building materials proposed on the Industrial Development Site are reviewed through plan check as specified in Section 20.23.090 (Site Approvals) of the City Municipal Code and are selected to minimize reflective glare onto neighboring properties. Additionally, photovoltaic systems that may be installed in the future would likely be roof mounted, screened by the parapet, and not visible from street level.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses, some of which have been designed, constructed, and operated prior to adoption of current development standards designed to ensure compatibility between differing land uses. The majority of properties composing the annexation area already conform to their respective land use designations per the City's General Plan (refer to Table 2.2.A: Existing and Proposed Zoning), which are industrial. The outlier residential property (APN 1013-521-05) would physically remain residential but be subject to a zone change in order to achieve consistency with the City's existing General Plan land use designation of Light Industrial for the property. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project because no development is proposed on any property within the East End Annexation area except the Industrial Development Site. Anticipating the type of lighting and potential for glare on properties within the East End Annexation area without site-specific development applications is speculative.

Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties. Furthermore, the City would review each development application for consistency with applicable development standards of the zone(s) in which future projects are proposed to minimize light spillover onto adjacent properties and to reduce glare from future development proposals pursuant to City Municipal Code Section 20.10.090 (Outdoor lighting) and General Plan Policy P5 under Goal CC-1.1.

Significance Conclusion: Through compliance with the City's Municipal Code and General Plan Goals and Policies, impacts from light and glare would be **less than significant**. Mitigation is not required.

3.2 AGRICULTURE AND FORESTRY RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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"/>

a. Would the project 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?

No Impact

Discussion of Effect:

Industrial Development Site: Most of the 3.59-acre Industrial Development Site is undeveloped. However, as classified by the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP),²⁸ the Industrial Development Site is designated as “Urban and Built-up Land” and therefore does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. “Urban and Built-up Land” is land occupied by structures with a building density of approximately 6 structures to a 10-acre parcel used for residential, industrial, commercial, construction, institutional, public administration, railroad and other transportation yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, water control structures, and other developed purposes.²⁹

²⁸ California Department of Conservation, California Important Farmland Finder, <https://maps.conservation.ca.gov/DLRP/CIFF/>, (accessed April 14, 2022).

²⁹ California Department of Conservation, Important Farmland Categories. <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx> (Accessed April 15, 2022).

East End Annexation: Approximately 6.8 acres of the 56.87-acre East End Annexation area, which includes the 3.59-acre Industrial Development Site, is currently undeveloped. Furthermore, two properties (APN 1013-521-04, which is the Industrial Development Site, and APN 1013-521-05, which is adjacent to the southwest of the Industrial Development Site) are currently zoned Single-Family Residential (RS-20M) and together equal approximately 4.05 acres. As classified by the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP),³⁰ the entire East End Annexation area is designated as “Urban and Built-up Land” and therefore does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

Significance Conclusion: The East End Annexation area, including the 3.59-acre Industrial Development Site, is not designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Additionally, there is no development application for any property within the 53.28-acre East End Annexation area, which is mostly developed consistent with the City General Plan designations for Light Industrial (LI) and General Industrial (GI) land uses. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. **No impact** would occur, and no mitigation is required.

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact

Discussion of Effect:

Industrial Development Site: The City of Chino General Plan designates the Industrial Development Site as Light Industrial,³¹ and the San Bernardino County zoning designation is Single-Family Residential (RS-20M) (refer to Table 2.2.A). Neither the Industrial Development Site nor any property in the vicinity is utilized for agricultural use. Implementation of the proposed project would result in a zone change for the Industrial Development Site from Single-Family Residential (RS-20M) to Light Industrial (LI) in order to bring the site into conformance with the City’s existing General Plan land use designation of Light Industrial. Furthermore, the Industrial Development Site is not under a Williamson Act contract.³²

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses and is zoned as such (refer to Table 2.2.A). The majority of properties composing the annexation area already conform with their respective land use designations per the City’s General Plan. The outlier residential property (APN 1013-521-05) would physically remain residential but be subject to a zone change in order to conform with the City’s existing General Plan land use designation of Light Industrial for the property. There

³⁰ California Department of Conservation, California Important Farmland Finder, <https://maps.conservation.ca.gov/DLRP/CIFF/>, (accessed April 14, 2022).

³¹ City of Chino. General Plan 2025. Land Use Element. *Figure LU-2 General Plan Land Use Designations*. July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 14, 2022).

³² City of Chino. City of Chino Williamson Act Map. Williamson Act. <https://chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fcityofchino.org%2FDocumentCenter%2FView%2F322%2FWi Williamson-Act-Map---Revised-June-9-2021-PDF&clen=1549951&pdfilename=Williamson%20Act%20Map%20-%20Revised%20June%209%2C%202021%20%28PDF%29.pdf> (accessed April 14, 2022).

would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: The 3.59-acre industrial development site is not designated, zoned, or currently utilized for any agricultural use; nor is the site under a Williamson Act contract. Additionally, there is no development proposed for any parcel within the balance of the East End Annexation area (53.28 acres), none of which are designated, zoned, or currently utilized for any agricultural use. Therefore, the project would not conflict with existing agricultural zoning for agricultural use or a Williamson Act contract. **No impact** would occur, and no mitigation is required.

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))?

No Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site is designated Light Industrial in the City's General Plan³³ and would include a zone change from the San Bernardino County zoning designation of Single-Family Residential (RS-20M) to Light Industrial (M1) once the property is annexed into the City of Chino. Accordingly, the Industrial Development Site is not zoned or otherwise designated for forest or timberland uses.

East End Annexation: The majority of parcels composing the East End Annexation area are already developed with industrial uses and zoned accordingly (refer to Table 2.2.A). The outlier residential property (APN 1013-521-05) would physically remain residential but be subject to a zone change in order to conform to the City's existing General Plan land use designation of Light Industrial for the property and overall East End Annexation area. None of the parcels composing the East End Annexation area are zoned or otherwise designated for forest or timberland uses.

Significance Conclusion: None of the parcels composing the 56.87-acre East End Annexation area, which includes the 3.59-acre Industrial Development Site, are zoned or otherwise designated for forest or timberland uses. Therefore, the project would not conflict with existing zoning or cause a rezoning of forest or timberland uses. **No impact** would occur, and no mitigation is required.

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

No Impact

Discussion of Effect:

³³ City of Chino. General Plan 2025. Land Use Element. Figure LU-2 General Plan Land Use Designations. July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

Industrial Development Site: The Industrial Development Site is currently undeveloped except for one abandoned structure. No forest land occurs on site.

East End Annexation: No forest land occurs within the East End Annexation area, which is comprised of parcels already developed primarily with industrial uses (refer to Table 2.2.A).

Significance Conclusion: The 56.87-acre East End Annexation area, which includes the 3.59-acre Industrial Development Site, does not contain any forest land. Therefore, the project would not result in the loss of forest land or result in the conversion of forest land to non-forest use. **No impact** would occur, and no mitigation is required.

- e. **Would the project 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?**

No Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site is currently undeveloped with one abandoned structure on site and is surrounded by industrial development. No Farmland or forest land occur on site or adjacent properties.³⁴

East End Annexation: No Farmland or forest land occurs within the East End Annexation area, which is comprised of parcels already developed primarily with industrial uses (refer to Table 2.2.A).

Significance Conclusion: The 56.87-acre East End Annexation area, which includes the 3.59-acre Industrial Development Site, does not contain any Farmland or forest land. Therefore, the project would not result in the conversion of Farmland to non-agricultural use or forest land to non-forest use. **No impact** would occur, and no mitigation is required.

³⁴ California Department of Conservation, California Important Farmland Finder, <https://maps.conservation.ca.gov/DLRP/CIFF/>, (Accessed April 14, 2022).

3.3 AIR QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions, such as those leading to odors adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The current regional air quality plan is the Final 2022 Air Quality Management Plan (AQMP) adopted by the South Coast Air Quality Management District (SCAQMD) on December 2, 2022.³⁵ The 2022 AQMP incorporates current scientific, technological, and planning assumptions and updated air pollution emission inventory methodologies for various air pollution source categories. The 2022 AQMP addresses new and changing Federal requirements, implements new technology measures to reduce air pollution, and continues the South Coast Air Quality Management District (SCAQMD) legacy of developing economically sound and flexible regulatory compliance approaches.

The 2022 AQMP incorporates local General Plan land use assumptions and regional growth and population projections developed by the Southern California Association of Governments (SCAG) to estimate stationary and mobile source emissions associated with projected population and planned land uses. Consistency³⁶ with the AQMP is affirmed when a project: (1) does not increase the frequency or severity of an air quality standards violation or cause a new violation; and (2) is consistent with the growth assumptions in the AQMP. The AQMP strategy is, in part, based on projections from local general plans.

Consistency of the proposed Industrial Development Site with the AQMP is evaluated below.

Indicator 1: As detailed in the discussion of Section 3.3 Threshold b below, the development of the Industrial Development Site would result in short-term construction and long-term operational

³⁵ South Coast Air Quality Management District. *Final 2022 Air Quality Management Plan*. December 2022.

³⁶ Pursuant to the methodology provided in Chapter 12 of the 1993 South Coast Air Quality Management District (SCAQMD) *CEQA Air Quality Handbook*.

emissions that are less than the CEQA significance emissions thresholds established by the SCAQMD. Therefore, the development of the Industrial Development Site would not increase the frequency or severity of an air quality standards violation or cause a new violation.

Indicator 2: The *CEQA Air Quality Handbook* indicates that consistency with AQMP growth assumptions must be analyzed for new or amended General Plan elements, Specific Plans, and significant projects. Significant projects include airports, electrical generating facilities, petroleum and gas refineries, designation of oil drilling districts, water ports, solid waste disposal sites, and offshore drilling facilities. The Industrial Development Site has a San Bernardino County zoning designation of Single-Family Residential (RS-20M) and is within the City of Chino Sphere of Influence and has a land use designation of Light Industrial per the Chino General Plan.³⁷ As such, this analysis evaluates whether the proposed industrial development would exceed the 2022 AQMP's growth assumptions.

With respect to determining the proposed project consistency with AQMP growth assumptions, the projections in the AQMP for achieving air quality goals are based, in part, on assumptions in SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) regarding population, housing, and growth trends, as well as assumptions and projections of local planning agencies to determine control strategies for regional compliance status. According to SCAG's 2020–2045 RTP/SCS, the City's population, households, and employment are forecast to increase by approximately 34,400 residents, 9,900 households, and 7,400 jobs, between 2016 and 2045 and would total approximately 121,300 residents, 33,100 households, and 57,400 jobs by 2045.³⁸ As detailed in the City's General Plan, the City estimated approximately 141,067 residents, 38,814 households, and 83,255 jobs in the City and its Sphere of Influence by 2025,³⁹ which clearly exceed the estimates generated by SCAG for the same time period and through 2045. Since the City's General Plan incorporates existing and anticipated development in the Sphere of Influence when projecting future population, housing, and jobs in the City, the projections in the AQMP for future development in the City of Chino include population, housing, and jobs associated with buildout of the Industrial Development Site and East End Annexation area with industrial uses.

As discussed in Section 3.14 Population and Housing, based on the Institute of Transportation Engineers (ITE) *Trip Generation* (11th Edition) rates for Land Use 150 – “Warehousing,” development of the Industrial Development Site with approximately 63,900 square feet of industrial uses, of which approximately 9,000 square feet would be office space and 4,000 square feet would be mezzanine space, with a FAR of 0.41, would generate approximately 22 employees.⁴⁰ This increase would only represent approximately 0.3 percent of the City's employment growth according to SCAG and would be within the parameters of expected growth in the City according to the General Plan. In addition,

³⁷ City of Chino. *City of Chino General Plan 2025. Land Use Element*. Figure LU-2 General Plan Land Use Designations. Approved and Adopted July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

³⁸ Southern California Association of Governments (SCAG). 2020. *Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy*. Website: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176 (accessed January 2023).

³⁹ City of Chino. *City of Chino General Plan 2025. Project Description*. Table 3-1 Estimated Development Under the General Plan and Focused Growth Plan. Approved and Adopted July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

⁴⁰ Average 1.71 daily vehicle trips per 1,000 square feet gross floor area and average 5.05 daily vehicle trips per employee. $1.71 \div 5.05 = 0.339$ employee per 1,000 square feet gross floor area. $0.339 \times 63.9 = 22$ employees.

as discussed in Section 3.14, although the potential exists for development of the Industrial Development Site to result in population growth through employment opportunities, the generation of 22 employees would not be considered substantial or unplanned population growth forecasted by SCAG or by the City. Therefore, the proposed project would not substantially increase population growth forecasts and is not expected to alter the demographic projections of SCAG, the City of Chino, or the AQMP.

Based on the consistency analysis presented above, development of the proposed Industrial Development Site would be consistent with the 2022 AQMP.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area (53.28 acres) is already developed primarily with industrial uses. Similar to the Industrial Development Site, the annexation action of the East End Annexation area would include a zone change from San Bernardino County zoning designations Regional Industrial (IR), Community Industrial (IC), and Single-Family Residential (RS-20M) to City of Chino zoning designation Light Industrial (M1) and General Industrial (M2) (refer to Table 2.2.A: Existing and Proposed Zoning). However, as detailed above, the City estimated approximately 141,067 residents, 38,814 households, and 83,255 jobs in the City and its Sphere of Influence by 2025,⁴¹ which clearly exceed the estimates generated by SCAG for the same time period and through 2045. Since the City's General Plan incorporates existing and anticipated development in the Sphere of Influence when projecting future population, housing, and jobs in the City, the projections in the AQMP for future development in the City of Chino programmatically include population, housing, and jobs associated with buildout of the Industrial Development Site and East End Annexation area with industrial uses. Future development of any property within the remaining 53.28 acres of the East End Annexation area would be subject to CEQA review and would be required to demonstrate consistency at the project level with the applicable AQMP as development applications are submitted to City Staff for review.

Significance Conclusion: Implementation of the proposed project would not conflict or obstruct implementation of the 2022 AQMP. Impacts would be **less than significant**, and mitigation is not required.

b. Would the project 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 Impact

Discussion of Effect:

Industrial Development Site: The SCAQMD's 1993 *CEQA Air Quality Handbook* and associated updates establishes suggested significance thresholds based on the volume of emissions generated. According to the Handbook, any project in the South Coast Air Basin (Basin) with daily emissions that

⁴¹ City of Chino. *City of Chino General Plan 2025. Project Description*. Table 3-1 Estimated Development Under the General Plan and Focused Growth Plan. Approved and Adopted July 2010. [https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF_\(accessed April 13, 2022\).](https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF_(accessed April 13, 2022).)

exceed any of the following thresholds generally is considered as having individually and cumulatively significant air quality impacts:

- 55 lbs. per day of ROC (reactive organic compounds) (75 lbs/day during construction);
- 55 lbs. per day of NO_x (oxides of nitrogen) (100 lbs/day during construction);
- 550 lbs. per day of CO (carbon monoxide) (550 lbs/day during construction);
- 150 lbs. per day of PM₁₀ (particulate matter with a diameter of 10 microns or smaller) (150 lbs/day during construction)
- 55 lbs. per day of PM_{2.5} (particulate matter with a diameter of 2.5 microns or smaller) (55 lbs/day during construction); and
- 150 lbs. per day of SO_x (oxides of sulfur) (150 lbs/day during construction).

The Basin is currently designated nonattainment for the federal and State standards for O₃ and PM_{2.5}. In addition, the Basin is in nonattainment for the PM₁₀ standard. The Basin's nonattainment status is attributed to the region's development history. Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of an ambient air quality standard. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant.

In developing thresholds of significance for air pollutants, SCAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions. Therefore, additional analysis to assess cumulative impacts is not necessary. The following analysis assesses the potential project-level air quality impacts associated with construction and operation of the proposed project.

Development of the Industrial Development Site would generate short-term and long-term emissions of air pollutants, respectively, during construction and operation of the proposed warehouse. These emissions are summarized below based on the California Emissions Estimator Model, Version 2022.1 (CalEEMod) runs prepared for the Industrial Development Site (Appendix A). The CalEEMod calculations include both on-site and off-site construction activities as described in Section 2.3.

Short-term (Construction) Emissions: Short-term emissions would result from construction-related activities such as excavation and grading, machinery and equipment emissions, vehicle emissions⁴² from construction employees, etc. Emissions during grading and construction activities would vary as

⁴² This analysis assumes an average construction worker trip length of 18.5 miles one-way per default values in CalEEMod.

construction activity levels change. Air pollutant emission sources during project construction would include:

- Exhaust gas and particulate emissions generated by construction equipment engines;
- Fugitive dust from soil disturbance during site preparation, grading, and excavation activities; and
- Reactive organic compounds that evaporate during site paving and architectural coating (e.g., painting of new structures).

The construction analysis includes estimating the construction equipment that would be used during each construction phase, the hours of use for that construction equipment, the quantities of earth and debris to be moved, and on-road vehicle trips (worker, soil hauling, and vendor trips). Construction of the Industrial Development Site is anticipated to commence in early 2023 and be completed in the winter of 2024, resulting in a total construction duration of approximately 12 months, which was included in CalEEMod. In addition, approximately 1,409 cubic yards of imported soil (fill) would be required for excavation, compaction, and rough grading, which was also included in CalEEMod. In addition, this analysis assumes the use of Tier 2 construction equipment.

Table 3.3.A identifies the maximum daily emissions associated with construction activities and indicates no criteria pollutant emission thresholds would be exceeded from construction of the Industrial Development Site. CalEEMod output sheets are included in Appendix A.

Table 3.3.A: Short-Term Regional Construction Emissions

Project Construction	Maximum Daily Regional Pollutant Emissions (lbs/day)					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Site Preparation	1.2	40.0	29.9	0.1	9.0	5.0
Grading	0.9	24.9	20.0	<0.1	4.1	2.2
Building Construction	0.8	19.5	17.0	<0.1	1.1	0.8
Paving	0.6	12.4	12.0	<0.1	0.9	0.6
Architectural Coating	20.7	1.1	1.4	<0.1	0.1	0.1
Peak Daily	21.5	40.0	29.9	0.1	9.0	5.0
SCAQMD Thresholds	75.0	100.0	550.0	150.0	150.0	55.0
Exceeds?	No	No	No	No	No	No

Source: Compiled by LSA (May 2023). (Appendix A).

Note: Maximum emissions of VOCs occurred during the overlapping building construction and architectural coating phases.

CO = carbon monoxide

lbs/day = pounds per day

NO_x = nitrogen oxides

PM_{2.5} = particulate matter less than 2.5 microns in size

PM₁₀ = particulate matter less than 10 microns in size

SCAQMD = South Coast Air Quality Management District

SO_x = sulfur oxides

VOC = volatile organic compounds

The construction calculations prepared for the Industrial Development Site assume that dust control measures would be employed to reduce emissions of fugitive dust during site grading. Adherence to Rule 403, including the implementation of Best Available Control Measures (BACMs), is a standard requirement for any construction activity occurring within the Basin. Among the requirements under this rule, fugitive dust must be controlled so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. These measures may include, but are not limited to:

- Water active sites two times daily (locations where grading is to occur would be thoroughly watered prior to earthmoving).
- Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 2 feet (0.6 meter) of freeboard (vertical space between the top of the load and the top of the trailer) in accordance with the requirements of California Vehicle Code Section 23114.
- Reduce traffic speeds on all unpaved roads to 15 miles per hour or less.

As detailed in Table 3.3.A, emissions generated during construction of the Industrial Development Site would not exceed SCAQMD thresholds for regional construction emissions. Therefore, construction of the Industrial Development Site would not result in a cumulatively considerable increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard (AAQS).

Long-term (Operational) Emissions: Operation of the proposed Industrial Development Site would result in an incremental increase in regional criteria pollutant emissions. Long-term air pollutant emission impacts are those associated with area sources, energy sources, stationary sources, and mobile sources involving any project-related changes. Area sources include architectural coatings, consumer products, hearths, and landscaping. Energy sources include natural gas and electricity consumption for heating and lighting. Mobile sources consist of vehicle trips associated with a project. Stationary sources include the use of a process boiler.

Operation of the Industrial Development Site would result in net increases in area-, energy-, stationary-, and mobile-source emissions. The area- and energy-source emissions would come from many sources, including the use of consumer products, landscape equipment, general energy, and solid waste. Calculation of emissions from these sources is based on CalEEMod defaults and assumes compliance with Title 24 and the 2019 California Building Code (CBC).⁴³ Mobile-source emissions were calculated based on the proposed project's trip generation estimates, which assume the Industrial Development Site would generate approximately 139 average daily trips, including 112 passenger car trips, 7 two-axle truck trips, 6 three-axle truck trips, and 14 four or more-axle truck trips. In addition, stationary-source emissions would be associated with use of a process boiler. Long-term operational emissions associated with the project are summarized in Table 3.3.B.

⁴³ The project would be designed, constructed, and operated under the more stringent 2022 California Building Code.

Table 3.3.B: Long Term Regional Operational Emissions

Source	Pollutant Emissions, lbs/day					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source Emissions	1.5	<0.1	<0.1	<0.1	<0.1	<0.1
Energy Source Emissions	<0.1	0.5	0.4	<0.1	<0.1	<0.1
Mobile Source Emissions	0.6	1.5	6.2	<0.1	0.5	0.1
Stationary Source Emissions	<0.1	<0.1	0.2	<0.1	<0.1	<0.1
Total Project Emissions	2.2	2.0	6.8	<0.1	0.6	0.2
SCAQMD Significance Threshold	55.0	55.0	550.0	150.0	150.0	55.0
Exceed Threshold?	No	No	No	No	No	No

Source: Compiled by LSA (May 2023). (Appendix A).

CO = carbon monoxide

lbs/day = pounds per day

NO_x = nitrogen oxides

PM_{2.5} = particulate matter less than 2.5 microns in size

PM₁₀ = particulate matter less than 10 microns in size

SCAQMD = South Coast Air Quality Management District

SO_x = sulfur oxides

VOC = Volatile organic compounds

As shown in Table 3.3.B, operation of the proposed warehouse uses would not exceed the SCAQMD daily emission thresholds for any criteria pollutant. Therefore, operation of the Industrial Development Site would not result in a cumulatively considerable increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State AAQS.

Long-Term Microscale (CO Hot Spot) Analysis: Vehicular trips associated with the proposed industrial development would contribute to congestion at intersections and along roadway segments in the project vicinity. Localized air quality impacts could occur when emissions from vehicular traffic increase as a result of the proposed industrial development. The primary mobile-source pollutant of local concern is CO, a direct function of vehicle idling time and, thus, of traffic flow conditions. CO transport is extremely limited; under normal meteorological conditions, it disperses rapidly with distance from the source. However, under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels, affecting local sensitive receptors (e.g., residents, schoolchildren, the elderly, and hospital patients). Typically, high CO concentrations are associated with roadways or intersections operating with extremely high traffic volumes at unacceptable levels of service. However, the project-specific Traffic Impact Analysis (TIA) (Appendix B1), Supplemental TIA (Appendix B2), and Section 3.17 of this Initial Study indicate the project would not result in any significant level of service change or intersection delay with the implementation of the recommended improvements designed to address level of service. Therefore, the project would not generate CO “hot spots.”

The cumulative impacts analysis is based on projections in the regional AQMP. As detailed in Section 3.3 (Threshold a), the proposed project is consistent with growth assumptions in the Southern California Association of Governments’ (SCAG) Regional Transportation Plan (RTP), the City of Chino General Plan, and SCAQMD’s AQMP. Additionally, the proposed project as an industrial use with up to 63,900 square feet of warehousing does not meet SCAQMD’s criteria to be defined as a significant project.

No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project’s individual emissions would contribute to existing cumulatively significant impacts to air quality. The SCAQMD developed the operational thresholds of significance based on the level above which a project’s individual emissions would result in a cumulatively considerable contribution to the

Basin's existing air quality conditions. Therefore, a project that exceeds the SCAQMD operational thresholds would also have a cumulatively considerable contribution to a significant cumulative impact.

Due to the nonattainment status of the Basin, the primary air pollutants of concern would be NO_x and ROG, which are ozone precursors, and PM₁₀ and PM_{2.5}. As detailed in Table 3.3.B, long-term emissions were calculated for NO_x, ROG, CO, SO_x, PM₁₀, and PM_{2.5} expected to be generated through operation of the Industrial Development Site, and project-related emissions would not exceed the established SCAQMD daily emission thresholds for any criteria pollutants. Without any exceedance in air quality emissions thresholds, the proposed project would not result in a cumulatively considerable contribution to significant air quality impacts.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project, so there would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Since the proposed development of the Industrial Development Site would not exceed any air quality emissions thresholds, the industrial development would not result in a cumulatively considerable contribution to significant air quality impacts. Short-term and long-term cumulative air quality impacts would be **less than significant**. Mitigation is not required.

c. Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: SCAQMD published its *Final Localized Significance Threshold Methodology* in June 2003 and updated it in July 2008,⁴⁴ recommending that all air quality analyses include an assessment of both construction and operational impacts on the air quality of nearby sensitive receptors. Localized significance thresholds (LSTs) represent the maximum emissions from a project site of up to 5 acres that are not expected to result in an exceedance of the National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS) for CO, NO₂, PM₁₀ and PM_{2.5}. LSTs are based on the ambient concentrations of that pollutant within the project Source Receptor Area (SRA) and the distance to the nearest sensitive receptor. For the Industrial Development Site, the appropriate SRA is the Southwest San Bernardino Valley area (SRA 33).

Sensitive receptors include residences, daycare centers, schools, hospitals, and similar uses that are sensitive to adverse air quality. The nearest sensitive receptors are a single-family residential property (APN 1013-521-05) adjacent to the west of the Industrial Development Site, single-family residential

⁴⁴ South Coast Air Quality Management District. *Final Localized Significance Thresholds Methodology*. June 2003, Revised July 2008.

properties (APNs 1016-011-02 and -03) across Philadelphia Street to the south of the Industrial Development Site, and single-family residential properties (APNs 0103-501-12, -13, and -14) across East End Avenue to the east of the Industrial Development Site. All of these properties are located within 25 meters of the Industrial Development Site construction limits. Nevertheless, the SCAQMD LST methodology specifies when the receptor distance is less than 25 meters, thresholds for 25 meters should be used.⁴⁵

The LST screening table lookup methodology was created for projects up to 5 acres in size. The project would not include any large-scale grading or other mass ground-disturbing activities since the Industrial Development Site is 3.59 acres in size. Therefore, the 5-acre LSTs are applied for construction emissions.

Table 3.3.C indicates the on-site construction emissions would not exceed the LSTs for the nearby residences. Therefore, construction of the Industrial Development Site would not result in a locally significant air quality impact.

Table 3.3.C: Construction Localized Significance Threshold Evaluation

On-Site Emissions Sources	Pollutant Emissions (lbs/day)			
	NOx	CO	PM ₁₀	PM _{2.5}
Construction Equipment	39.9	28.3	8.8	5.0
LST	270	2,193	16	9
Emissions Exceed Threshold?	No	No	No	No

Source: Compiled by LSA (May 2023). (Appendix A).

Note: Source Receptor Area: Southwest San Bernardino Valley (SRA 33), 5 acres, 25 meters (82 feet) distance

CO = carbon monoxide

NOx = nitrogen oxides

lbs/day = pounds per day

PM_{2.5} = particulate matter less than 2.5 microns in size

LST = local significance threshold

PM₁₀ = particulate matter less than 10 microns in size

By design, the localized impacts analysis only includes on-site sources; however, the CalEEMod outputs do not separate on-site and off-site emissions for mobile sources. For a worst-case scenario assessment, the emissions detailed in Table 3.3.D assume all area, energy, and stationary source emissions would occur on site and 5 percent of the project-related new mobile sources, which is an estimate of the amount of project-related on-site vehicle travel, would occur on site. Considering the total trip length included in CalEEMod, the 5 percent assumption is conservative. Table 3.3.D indicates the localized operational emissions would not exceed the LSTs on site and at nearby residences. Therefore, the proposed operational activity would not result in a locally significant air quality impact.

⁴⁵ South Coast Air Quality Management District. *Final Localized Significance Thresholds Methodology*. June 2003, Revised July 2008. Page 3-3.

Table 3.3.D: Long-Term Operational Localized Significance Threshold Evaluation

Emissions Sources	Pollutant Emissions (lbs/day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
On-site Emissions	0.6	0.9	<0.1	<0.1
LST	270	2,193	4	2
Emissions Exceed Threshold?	No	No	No	No

Source: Compiled by LSA (May 2023). (Appendix A).

Note: Source Receptor Area: Southwest San Bernardino Valley (SRA 33), 5 acres, 25 meters (82 feet) distance.

CO = carbon monoxide

lbs/day = pounds per day

LST = localized significance threshold

NO_x = nitrogen oxides

PM_{2.5} = particulate matter less than 2.5 microns in size

PM₁₀ = particulate matter less than 10 microns in size

Tables 3.3.C and 3.3.D identify the on-site construction and operational emissions of CO, NO_x, PM₁₀, and PM_{2.5}, respectively. Although project-level NO_x emissions would generate ozone (O₃) precursor emissions, these levels would not exceed any established SCAQMD daily emission thresholds of significance for construction and operation of the Industrial Development Site. As detailed in Table 3.3.D, the peak NO_x emissions from operation of the Industrial Development Site would be approximately 0.6 pounds per day. Due to the size of the proposed warehouse facilities, the level of emissions is not sufficiently high to use a regional modeling program to correlate health effects on a Basin-wide level. On a regional scale, the quantity of emissions from the Industrial Development Site is incrementally minor. The SCAQMD has not identified an accurate method to quantify health impacts from small projects; however, due to relatively small size of the proposed development and due to the fact that the industrial development would not exceed the LST or daily pollutant thresholds established by the SCAQMD, it is speculative to assign any specific health effects to small project-related emissions. However, based on this localized analysis, the proposed project would not expose sensitive receptors to substantial pollutant concentrations during construction or operation.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project, so there would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: As detailed in Tables 3.3.B and 3.3.D., construction and operational emissions would not exceed LST thresholds. Therefore, the project would not expose sensitive receptors to substantial pollutant concentrations. Impacts to sensitive receptors from substantial pollutant concentrations would be **less than significant**, and mitigation is not required.

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: Construction of the Industrial Development Site would generate limited odors over the short term, mainly from fumes emanating from gasoline and diesel powered construction equipment and architectural coating, asphalt laying, and paving activities. These odors would be temporary and are expected to be isolated to the immediate vicinity of the construction site.

SCAQMD Rule 402 regarding nuisances states: “A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.” Pursuant to SCAQMD Rule 403, fugitive dust must be controlled so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. Additionally, Title 13, Section 2449(d)(D) of the California Code of Regulations requires operators of off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on road) to limit vehicle idling to five minutes or less.

SCAQMD Rules 402 and 403, and Title 13, Section 2449(d)(D) of the California Code of Regulations require the project applicant to implement standard control measures to limit fugitive dust and construction equipment emissions. These temporary emissions are expected to be isolated to the immediate vicinity of the construction site. Therefore, operation of fueled equipment during construction would not adversely affect a substantial number of people.

The painting of buildings and structures or the installation of asphalt surfaces may also create odors. SCAQMD Rule 1113 outlines standards for paint applications, while Rule 1108 identifies standards regarding the application of asphalt. Adherence to the standards identified in these SCAQMD rules is required for all construction projects in the City to reduce emissions and objectionable odors.

Land uses generally associated with long-term objectionable odors include agricultural uses, wastewater treatment plants, food-processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities. The project is a proposed light industrial warehouse development that does not include uses that would generate long-term objectionable odors. During operation of the Industrial Development Site, freight trucks entering/exiting and loading/unloading at the site, as well as temporary storage of typical solid waste (refuse) associated with occupation of the site, could generate potential odors. As a matter of State policy, medium and heavy-duty freight vehicles accessing the Industrial Development Site must comply with the SCAQMD’s and CARB’s regulations pertaining to particulate filter requirements, idle time limits, smoke opacity, greenhouse gas emissions, and NO_x emissions standards.⁴⁶ Furthermore, refuse generated by the proposed warehouse facilities would be stored in covered containers and removed at regular intervals in compliance with the City’s solid waste regulations.

⁴⁶ South Coast Air Quality Management District. *Regulations & Other Commitments*. <https://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/facility-based-mobile-source-measures/regs-commitments#Trucks%20-%20Existing%20State> (Accessed June 30, 2022).

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to SCAQMD Rules 402 and 403 and Title 13, Section 2449(d)(D) of the California Code of Regulations to limit fugitive dust and construction equipment emissions, SCAQMD Rule 1113 for paint applications, Rule 1108 for the application of asphalt, SCAQMD's and CARB's regulations pertaining to medium and heavy-duty freight vehicles, and the City's solid waste regulations regarding solid waste disposal. Furthermore, each development application with a discretionary action would require site-specific CEQA review to ensure objectionable odors would not adversely affect a substantial amount of people.

Significance Conclusion: Compliance with mandated regulatory policies designed to reduce emissions from construction equipment and materials and medium and heavy-duty freight vehicles, in conjunction with removal of solid waste (refuse) at regular intervals, would ensure the project would not involve short-term or long-term emissions or sources of odors that could affect a substantial number of people. Impacts would be **less than significant**. Mitigation is not required.

3.4 BIOLOGICAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on 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"/>

- 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?**

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site is an infill site surrounded by urban development. The site is bounded by East End Avenue to the east, Philadelphia Avenue to the south, and primarily industrial development to the west and north. The site was previously utilized for orchard and row crop agriculture as early as the 1930s, by which time Philadelphia Street and East

End Avenue proceeded in their current alignments.⁴⁷ San Antonio Creek, a natural north-south drainage, was channelized via a concrete box channel in the mid-1950s approximately 275 feet to the west.⁴⁸ A single-family residential structure was constricted on the Industrial Development Site by 1964, and four additional ancillary buildings were added to the Industrial Development Site by 1972.⁴⁹ Predominant agricultural activities in the vicinity began to cede to industrial development in the 1970s and 1980s. Off-site residential development within the City of Chino east of East End Avenue generally coincided with development of the area during the 1970s and 1980s.⁵⁰ The single-family residential structure and ancillary buildings on the Industrial Development Site are observed in aerial photographs through 2018, but as of 2022, only the single-family residential structure remains with 14 trees and scattered ruderal vegetation.⁵¹ Figure 1: Project Location and Regional Vicinity and Figure 2: Project Site depict the location of the project site on a regional and local scale. Figures 3a through 3d: Site Photographs provide photographs of the project site and surrounding land uses.

The *Biological Resources Assessment and Tree Inventory* of the Industrial Development Site included a literature review and field survey to determine the existence or potential occurrence of candidate, sensitive, or special status plant and animal species and critical habitats on or in the vicinity of the site (Appendix C). The results of the literature search indicate the Industrial Development Site is not within designated critical habitat of any species. Attachment A of Appendix C contains tables that identify special-status plant and animal species previously documented or that may potentially occur in the vicinity of the Industrial Development Site, and also include each species' probability of occurrence within the proposed construction footprint.⁵²

To determine the potential for threatened, endangered, or candidate plant and animal species to occur on the Industrial Development Site, a reconnaissance field survey was conducted by qualified LSA Biologists on May 13, 2022 (refer to Appendix C). The survey revealed there are no sensitive natural communities on the site. The Industrial Development Site does not provide suitable habitat for threatened, endangered, or candidate plant and/or animal species because of its small size and isolation from open habitats due to surrounding dense urban development combined with a history of regular and intense disturbance.⁵³ Furthermore, the trees on and in proximity to the Industrial Development Site also harbor hawks and large owls that prey on burrowing owl and make the site undesirable for this species.⁵⁴ Ongoing soil disturbance and the resulting competitive exclusion by invasive non-native plants limit the potential for native flora to occur or to host threatened, endangered, or candidate species on the Industrial Development Site.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the

⁴⁷ Nationwide Environmental Title Research, LLC. *Historic Aerials by NETRONLINE*. Aerial Photographs (1938, 1953, 1959). <https://historicaerials.com/viewer> (accessed April 15, 2022).

⁴⁸ *Ibid.*

⁴⁹ *Ibid.* Aerial Photographs (1964 and 1972).

⁵⁰ *Ibid.* Aerial Photographs (1972, 1980, 1985, 1987, 1992).

⁵¹ Ruderal vegetation consists of species (often invasive) that are first to colonize disturbed lands.

⁵² LSA Associates, Inc. *Biological Resources Assessment and Tree Inventory for the Philadelphia Street Industrial Center Project in the City of Chino Sphere of Influence*. Attachment A: Tables. June 14, 2022. (Appendix C).

⁵³ *Ibid.* Page 3 through Page 5.

⁵⁴ *Ibid.* Page 5.

annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Due to the project site's previous and current disturbances, the Industrial Development Site lacks habitat suitable to harbor candidate, sensitive, or special status plant and animal species with potential to occur at the site. The balance of the East End Annexation area is already developed primarily with industrial uses, and no physical development is proposed except on the Industrial Development Site. All threatened, endangered, or candidate species with potential to occur on the project site have a low probability of inhabiting the site due to lack of suitable habitat from the substantial disturbances (former and current) on site and the site's isolated position relative to open space areas where suitable habitat may occur. Impacts to species identified as a candidate, sensitive, or special status species and their habitats would be **less than significant**. Mitigation is not required.

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

No Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site has been previously developed. No riparian or sensitive natural community is located on site.⁵⁵

East End Annexation: The East End Annexation area has been previously developed. San Antonio Creek, a natural north-south drainage flowing generally along the western site boundary, was channelized via a concrete box channel in the mid-1950s. No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the

⁵⁵ LSA Associates, Inc. *Biological Resources Assessment and Tree Inventory for the Philadelphia Street Industrial Center Project in the City of Chino Sphere of Influence*. Page 3, Page 4, and Attachment A: Tables. June 14, 2022. (Appendix C).

annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: No California Department of Fish and Wildlife (CDFW) Natural Communities of Concern or United States Fish and Wildlife Service (USFWS) designated critical habitat is located within the project limits. Therefore, the project would have no effect on any riparian habitat or protected natural community. **No impact** would occur, and no mitigation is required.

c. Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site has been previously developed. No federally-protected wetlands occur on site.⁵⁶

East End Annexation: The East End Annexation area has been previously developed. San Antonio Creek, a natural north-south drainage flowing generally along the western site boundary, was channelized via a concrete box channel in the mid-1950s. No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: No federally protected wetlands, riparian area vernal pools, coastal zones or similar features occur on the project site. Therefore, **no impact** to any such feature would result from the proposed project. No mitigation is required.

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?

Less than Significant with Mitigation Incorporated

Discussion of Effect:

Industrial Development Site: Development of the Industrial Development Site would not affect wildlife movement or nursery sites because the site is infill and located within an urbanized area,

⁵⁶ LSA Associates, Inc. *Biological Resources Assessment and Tree Inventory for the Philadelphia Street Industrial Center Project in the City of Chino Sphere of Influence*. Page 3, Page 4, and Attachment A: Tables. June 14, 2022. (Appendix C).

separated from native habitat by development and roadways accompanied by substantial human activity. Any wildlife species occupying the Industrial Development Site and vicinity would be accustomed to urban development.

The Industrial Development Site contains 14 trees that provide suitable nesting habitat for common bird species.⁵⁷ The on-site residential building proposed for demolition also provides suitable nesting habitat for common bird species. As identified in Section 3.4 (Threshold a), the project site has been previously developed, and the trees on and in proximity to the Industrial Development Site harbor hawks and large owls that prey on burrowing owl, which make the site undesirable for this species.⁵⁸ However, because the Industrial Development Site may contain nesting birds on the on-site trees and residential structure, **Mitigation Measure BIO-1** is prescribed to ensure a qualified biologist conducts a pre-construction survey for nesting birds if construction activities occur during nesting bird season in accordance with Sections 3503–3801 of the California Fish and Game Code.

Mitigation Measure BIO-1

If demolition or ground disturbance is proposed during nesting bird season (February 15 to August 31), a pre-construction nesting survey shall be conducted by a qualified biologist (Project Biologist) within 72 hours prior to start of work pursuant to Sections 3503–3801 of the California Fish and Game Code. If the survey indicates nesting birds are present, an appropriate buffer to be established by the project Biologist shall be marked off around the nest(s), and no demolition or construction activity shall occur in that area during nesting activities. Demolition and/or construction may resume within the established buffer when the project Biologist determines the nest is no longer occupied and all juveniles have left the nest. This measure shall be implemented to the satisfaction of the City of Chino Development Services Director or designee.

East End Annexation: The East End Annexation area has been previously developed. San Antonio Creek, a natural north-south drainage flowing generally along the western site boundary, was channelized via a concrete box channel in the mid-1950s. No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

⁵⁷ LSA Associates, Inc. *Biological Resources Assessment and Tree Inventory for the Philadelphia Street Industrial Center Project in the City of Chino Sphere of Influence*. Table C and Attachment A: Tables. June 14, 2022. (Appendix C).

⁵⁸ *Ibid.* Page 5.

Significance Conclusion: With implementation of **Mitigation Measure BIO-1**, impacts to native resident or migratory fish or wildlife species, established native resident or migratory wildlife corridors, and native wildlife nursery sites would be reduced to **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?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site contains 14 trees. The City's tree preservation ordinance codified in Municipal Code Section 20.19.040(F) states that "Mature trees shall not be removed without prior written approval of the Director of Development Services or his designee." Mature Trees are defined as oak trees with trunks more than 8 inches in diameter at breast height, other trees with trunks more than 10 inches in diameter at breast height, and multi-trunk trees with a total circumference of 38 inches or more at breast height. The ordinance specifies replacement requirements for any Mature Trees to be removed.

All trees on the project site will be removed. There is no opportunity for preservation and protection of any of the trees on the site due to conflict with project components, such as the proposed warehouse buildings, parking lots, and drive aisles. Relocation of any of the mature trees would substantially compromise their viability and thus would not guarantee their preservation.⁵⁹ The site-specific *Biological Resources Assessment and Tree Inventory* shows locations of Mature Trees on the Industrial Development Site and provides information and replacement requirements for these trees according to criteria specified in the ordinance.⁶⁰ Pursuant to City Municipal Code Section 20.19.040(F), the project applicant would replace each mature tree in accordance with Table 3.4.A below.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and compliance with the City's tree preservation ordinance as codified in Municipal Code Section 20.19.040(F) when site-specific development

⁵⁹ LSA Associates, Inc. *Biological Resources Assessment and Tree Inventory for the Philadelphia Street Industrial Center Project in the City of Chino Sphere of Influence*. Page 6 and Attachment A: Tables. June 14, 2022. (Appendix C).

⁶⁰ *Ibid.* Figure 2 and Table C.

Table 3.4.A: Mature Trees on the Industrial Development Site

Tree No.	Species	Rating	Trunk Diameter ¹ (inches)	Height (feet)	Replacement Tree Requirement ² (based on rating and trunk diameter)
1	<i>Diospyros kaki</i>	Average	11	25	2 x 36" box
2	<i>Macadamia integrifolia</i>	Average	15 at 1 foot	30	3 x 48" box
3	<i>Washingtonia robusta</i>	Average	18	30	3 x 48" box
4	<i>Persea americana</i>	Dead	12 at 1 foot	15	1 x 36" box
5	<i>Persea americana</i>	Average	26 (multi-trunk)	25	3 x 48" box
6	<i>Quercus agrifolia</i>	Average	38	30	2 x 60" box
7	<i>Persea americana</i>	Poor	28 (multi-trunk)	25	3 x 48" box
8	<i>Phoenix dactylifera</i>	Average	25	23	3 x 48" box
9	<i>Washingtonia robusta</i>	Average	18	28	3 x 48" box
10	<i>Washingtonia robusta</i>	Average	20	30	3 x 48" box
11	<i>Ficus carica</i>	Poor	18	18	3 x 48" box
12	<i>Ulmus parvifolia</i>	Average	11	28	2 x 36" box
13	<i>Ulmus parvifolia</i>	Average	16	30	3 x 48" box
14	<i>Diospyros kaki</i>	Average	12	23	2 x 36" box

Source: LSA Associates, Inc. *Biological Resources Assessment and Tree Inventory for the Philadelphia Street Industrial Center Project in the City of Chino Sphere of Influence*. Table C. June 14, 2022. (Appendix C).

¹ For multi-trunk trees, this is the sum of trunk diameters. Measurements are taken at breast height (4.5 feet) unless the tree branches below that height, in which case the measurement is taken below the branch point and the height of the measurement is indicated in the table.

² Replacement requirement indicated in Chino Municipal Code Section 20.19.040(F) for mature trees, including dead trees.

applications are submitted to the City for those properties. Pursuant to Municipal Code Section 20.19.040(F), future development proposals within the East End Annexation area would require an inventory of on-site trees and evaluation by a certified arborist for trees ten inches or larger in diameter proposed for removal to determine the feasibility of preservation or replacement value.

Significance Conclusion: Adherence to the City's tree preservation ordinance as codified in Municipal Code Section 20.19.040(F) is required for all development as a matter of regulatory policy and enforced as a routine action by the City to preserve protected trees. Through compliance with Municipal Code Section 20.19.040(F), impacts associated with conflict with local policies or ordinances protecting on-site biological resources would be **less than significant**. Mitigation is not required.

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?

No Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site is not within any adopted habitat conservation plans, natural community conservation plans, or any other regional planning areas identified by the USFWS, CDFW, or the City.⁶¹

East End Annexation: San Antonio Creek, a natural north-south drainage flowing generally along the western site boundary, was channelized via a concrete box channel in the mid-1950s. The County of San Bernardino Riparian Plant Conservation Ordinance (Section 88.01.080 -- Riparian Plant Conservation) prohibits removal of vegetation within protected riparian areas or within 200 feet of the bank of a stream or river. However, no physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site located 275 feet east of San Antonio Creek, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project, which would annex the site into the jurisdiction of the City and thus nullify the County of San Bernardino Riparian Plant Conservation Ordinance.

Significance Conclusion: Implementation of the proposed project would not conflict with the provisions of any adopted local or regional conservation plans. **No impact** to adopted habitat conservation plans would occur. No mitigation is required.

⁶¹ LSA Associates, Inc. *Biological Resources Assessment and Tree Inventory for the Philadelphia Street Industrial Center Project in the City of Chino Sphere of Influence*. Page 6 and Attachment A: Tables. June 14, 2022. (Appendix C).

3.5 CULTURAL RESOURCES

Would the project:

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

a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

No Impact

Discussion of Effect:

Industrial Development Site: The industrial development site was subject to a cultural resources investigation comprising archival research, cultural resources records search conducted at the South Central Coastal Information Center (SCCIC), examination of the California Built Environment Resources Directory (CBERD), which includes the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Historical Landmarks (CHL), and California Points of Historical Resources (CPHI), and an intensive pedestrian survey of the Industrial Development Site (Appendix D).⁶²

Archival research conducted in September 2021 revealed two cultural resource investigations within 0.5 mile of the Industrial Development Site; however, neither of those investigations include the 3.59-acre site.⁶³ In addition to investigative reports, the SCCIC provided data on cultural resources within 0.5 mile of the Industrial Development Site and indicated no cultural resources are documented on the 3.59-acre site.⁶⁴

An intensive pedestrian survey of the Industrial Development Site conducted on July 7, 2021, identified one residence located at 12040 East End Avenue (APN 1013-521-04). The structure is a 3,500-square-foot California Ranch style residence built in 1964 and was owned by the Nagano Family from 1964 until 2017. The Nagano Family grew flowers, fruits, and vegetables on the property and operated a flower business until 1978. The property was sold following the death of Mrs. Nagano in 2017.⁶⁵ The residence was evaluated pursuant to CEQA criteria for historical significance (CEQA

⁶² Duke CRM. *Cultural and Paleontological Resources Assessment for the Philadelphia Street Industrial Center Project, City of Chino, County of San Bernardino California*. Page 1. September 22, 2021. (Appendix D).

⁶³ Due to the COVID-19 emergency, the SCCIC is able to provide only the data that has been digitized as of March 1, 2020.

⁶⁴ Duke CRM. *Cultural and Paleontological Resources Assessment for the Philadelphia Street Industrial Center Project, City of Chino, County of San Bernardino California*. Pages 1 and 2. September 22, 2021. (Appendix D).

⁶⁵ *Ibid.* Pages 3 and 20.

Guidelines Section 15064.5(a)) and was determined not to meet any of the criteria to be considered a Historical Resource as defined in *CEQA Guidelines* Section 15064.5.⁶⁶

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre industrial development site, and the balance of the annexation area is already developed primarily with industrial uses. Accordingly, there would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development within the balance of the East End Annexation area (53.28 acres) would be required to comply with CEQA with regards to historical resources on a project- and site-specific basis.

Significance Conclusion: The cultural resources investigation conducted for the Industrial Development Site did not identify any historical resources on the 3.59-acre site. Additionally, there is no development proposed on any property within the remaining 53.28-acre East End Annexation area, which is already developed. Therefore, the project would not cause an adverse change in the significance of a historical resource. **No impact** would occur, and no mitigation is required.

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than Significant with Mitigation Incorporated

Discussion of Effect:

Industrial Development Site: As stated in Section 3.5 (Threshold a) above, the Industrial Development Site was subject to a cultural resources investigation comprising archival research, a cultural resources records search at the SCCIC, and an intensive pedestrian survey of the site (Appendix D).

Archival research did not identify the presence of archaeological resources on the Industrial Development Site. The records search indicated two cultural resource investigations were conducted within 0.5 mile of the site; however, neither of those investigations include the 3.59-acre site. An intensive pedestrian survey of the Industrial Development Site identified one on-site residence determined to have no historical significance pursuant to *CEQA Guidelines* Section 15064.5(a) (See discussion of effect in Section 3.5(a)).

In accordance with State law, the project would be required to comply with Title 14, California Code of Regulations (CCR) *Section 15064.5* and [California] Public Resources Code (PRC) *Section 21083.2 California Environmental Quality Act-Archeological Resources*, which enable the City to require the project applicant to make reasonable effort to preserve or mitigate impacts to any affected significant or unique archaeological resource. Penal Code *Section 622 Destruction of Sites*, establishes as a misdemeanor the willful injury, disfiguration, defacement, or destruction of any object or thing of archaeological or historical interest or value, whether situated on private or public lands. California *Administrative Code, Title 14, Section 4307* states that no person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value. Furthermore, CCR *Section 1427* recognizes that California's archaeological resources need to be preserved and that

⁶⁶ Duke CRM. *Cultural and Paleontological Resources Assessment for the Philadelphia Street Industrial Center Project, City of Chino, County of San Bernardino California*. Page 4. September 22, 2021. (Appendix D).

every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.

Although archival research and the pedestrian survey did not identify archaeological resources on the Industrial Development Site, the proposed project must comply with all applicable regulations protecting archaeological resources and would be conditioned to cease excavation or construction activities if archaeological resources are identified during excavation through **Mitigation Measures CUL-1 and CUL-2**.

Mitigation Measure CUL-1

Prior to issuance of grading permits, the City of Chino (City) shall verify that the following note is included on all grading plans:

“If archaeological resources are discovered during ground-disturbing activities, all activity within 100 feet of the discovery shall be halted, and the City shall be notified. Notification shall be made within 24 hours of any such discovery. If the resources are determined to be of pre-contact (i.e., Native American) origin, all Native American tribes who have expressed an interest in the project through the Assembly Bill 52 process pursuant to California Public Resources Code Section 21080.3.2 (interested Native American Tribes) shall be contacted for input. The City shall, in good faith, consult with interested Native American Tribes for the remainder of the project.

Construction personnel shall not collect or move any suspected archaeological materials or further disturb any soils within the 100-foot exclusionary buffer, but construction activity may continue on other portions of the project site. As deemed necessary by the City, a qualified archaeologist shall be retained to assess the nature and significance of the discovery. As determined by the qualified archaeologist and interested Native American Tribes should the discovery be determined not to be significant, the resource shall be recorded on a California Department of Parks and Recreation Form 523, and no further recovery effort shall be required. However, all subsequent ground-disturbing activities shall be monitored by an archaeologist and, if requested, by interested Native American Tribes at the discretion of the City. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the project applicant and City for dissemination to interested Native American Tribes, as requested. In the event the discovery is determined to be significant pursuant to *CEQA Guidelines* Section 15064.5, **Mitigation Measure CUL-2** shall apply.”

This measure shall be implemented to the satisfaction of the City of Chino’s Development Services Director or designee.

Mitigation Measure CUL-2

If a qualified archaeologist determines cultural resources identified on the project site are historical or unique archaeological resources pursuant to *CEQA Guidelines* Section 15064.5, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate data recovery must be provided. The archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to Native American tribal representatives (i.e., those who have expressed an interest in the project through the Assembly Bill 52 process pursuant to California Public Resources Code Section 21080.3.2) for review and comment. Ground-disturbing work may continue on other parts of the project site while historical [or unique archaeological] resource mitigation occurs.

The project archaeologist, the project applicant, the City of Chino's Development Services Director or designee, and interested Native American tribal representatives shall confer regarding the appropriate disposition of the discovered resource(s). Disposition may include curation with a certified scientific or educational repository in accordance with current professional repository standards. However, if an agreement on the disposition of cultural resources cannot be reached, the resource(s) shall be reburied on the project site in an area not subject to further ground disturbance, with appropriate recordation on the California Department of Parks and Recreation 523 Forms. Work shall not resume within the 100-foot exclusionary buffer without City authorization, and all subsequent ground-disturbing activities shall be monitored at the discretion of the City.

All cultural resources, including the locations from which they are recovered and to which they may be reburied, shall remain confidential pursuant to the California Code of Regulations Section 15120(d). A final report containing the significance and treatment of findings shall be prepared by the project archaeologist and submitted to the City of Chino's Development Services Director or designee and interested Native American Tribe(s). This measure shall be implemented to the satisfaction of the City of Chino Development Services Director or designee.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre industrial development site, and the balance of the annexation area is already developed primarily with industrial uses. Accordingly, there would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future

development within the balance of the East End Annexation area (53.28 acres) would be required to comply with CEQA with regards to archaeological resources on a project- and site-specific basis.

Significance Conclusion: Upon implementation of **Mitigation Measures CUL-1 and CUL-2**, development on the Industrial Development Site would be conditioned to cease activities if archaeological resources are identified during ground-disturbing activities pursuant to applicable regulatory policies designed to protect archaeological resources. Project impacts to archaeological resources pursuant to Section 15064.5 would be reduced to **less than significant with mitigation incorporated**.

c. Disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant with Mitigation Incorporated

Discussion of Effect:

Industrial Development Site: There is no evidence human remains occur on the Industrial Development Site. If human remains are encountered on the Industrial Development Site, the proper authorities would be notified, and standard procedures for the respectful handling of human remains during earthmoving activities would be followed in accordance with State law.

Consistent with the requirement of California Code of Regulations (CCR) Section 15064.5(e), if human remains are encountered, work within 200 feet of the discovery shall be redirected and the San Bernardino County Coroner notified immediately. State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has determined origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the property owner, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Consistent with CCR Section 15064.5(d), if the remains are determined to be Native American and an MLD is notified, the City of Chino shall consult with the MLD as identified by the NAHC to develop an agreement for treatment and disposition of the remains. Implementation of State law and **Mitigation Measure TCR-3** would ensure human remains are protected if discovered on the site during project construction activities. The specific locations of Native American burials and reburials shall be proprietary and not disclosed to the general public. Additionally, Section 7052 of the California Health and Safety Code states that disturbance of Native American cemeteries is a felony.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed generally with industrial uses. Accordingly, there would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development within the balance of the East End Annexation area (53.28 acres) would be required to comply with CEQA, State Health and Safety Code Section 7050.5, and PRC Section 5097.98 with regards to human remains on a project- and site-specific basis.

Significance Conclusion: With adherence to State and local regulations and implementation of **Mitigation Measure TCR-3**, project impacts associated with the inadvertent discovery of human remains would be **less than significant with mitigation incorporated**.

3.6 ENERGY

Would the project:

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

a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site's consumption of energy during construction and operation is calculated via CalEEMod, as detailed in Appendix A.

Construction. The anticipated construction schedule assumes that the project would require approximately 12 months to construct. Construction would require energy for the manufacture and transport of building materials, preparation of the site for demolition and grading activities, utility installation, paving, and building construction and architectural coating. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. However, energy usage on the Industrial Development Site during construction would be temporary.

The CalEEMod output for energy consumption incorporates project compliance with SCAQMD Rule 431.2, Title 13-Section 2449 of the CCR, and California Department of Resources Recycling and Recovery (CalRecycle) Sustainable (Green) Building Program regulations, which include implementation of standard control measures for equipment emissions and materials recycling. Adherence to these regulations, including the implementation of Best Available Control Measures (BACM), is a standard requirement for any construction or ground disturbance activity occurring within the Basin.

BACMs include, but are not limited to, requirements that the project proponent utilize only low-sulfur fuel having a sulfur content of 15 parts per million by weight or less; ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on road) limit vehicle idling to five minutes or less; register and label vehicles in accordance with the California Air Resources Board (CARB) Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Additionally, the construction contractor would recycle/reuse at least 65 percent of the construction material and use "Green Building Materials," such as those materials that are rapidly renewable or resource efficient and recycled and

manufactured in an environmentally friendly way, for at least 10 percent of the industrial development in accordance with CalRecycle regulations.

Operation. Operational energy use is typically associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with a project. Electricity and natural gas consumption was estimated for the Industrial Development Site using default energy intensities by land use type in CalEEMod.

CalEEMod divides building electricity and natural gas use into uses that are subject to Title 24 standards and those that are not. For electricity, Title 24 uses include the major building envelope systems covered by Part 6 (California Energy Code) of Title 24 (e.g., space heating, space cooling, water heating, and ventilation). Non-Title 24 uses include all other end uses (e.g., appliances, electronics, and other miscellaneous plug-in uses). Because some lighting is not considered as part of the building envelope energy budget, CalEEMod considers lighting as a separate electricity use category. For natural gas, uses are likewise categorized as Title 24 or non-Title 24, with Title 24 uses including building heating and hot water end uses. Non-Title 24 natural gas uses include cooking and appliances.

In addition, the Industrial Development Site would result in energy usage associated with gasoline and diesel to fuel project-related trips. The average fuel economy for light-duty vehicles (automobiles, pickups, vans, and SUVs) in the United States has steadily increased, from about 14.9 miles per gallon (mpg) in 1980 to 22.9 mpg in 2020.⁶⁷ The average fuel economy for heavy-duty trucks in the United States has also steadily increased, from 5.7 mpg in 2013 to a projected 8.0 mpg in 2021.⁶⁸ Using the USEPA gasoline fuel economy estimates for 2020, the California diesel fuel economy estimates for 2021, and the traffic data from the project traffic analyses, the Industrial Development Site would result in the annual consumption of 19,511 gallons of gasoline and 23,785 gallons of diesel fuel.

Table 3.6.A presents the energy use of the proposed industrial development.

⁶⁷ United States Department of Transportation. "Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles." Website: <https://www.bts.dot.gov/bts/content/average-fuel-efficiency-us-light-duty-vehicles> (accessed November 2022).

⁶⁸ California Energy Commission (CEC). 2015. Medium and Heavy-Duty Truck Prices and Fuel Economy 2013–2026. Website: efiling.energy.ca.gov/getdocument.aspx?tn=206180 (accessed October 2022).

Table 3.6.A: Estimated Annual Energy Use of Proposed Industrial Development

Land Use	Electricity Use (kWh/year)	Natural Gas (therms/year)	Gasoline (gallons/year)	Diesel (gallons/year)
Three warehouse buildings totaling 63,900 square feet	1,115,176	17,538	19,511	23,785
Parking Lot	70,593	—	—	
Total	1,185,769	17,538	19,511	23,785

Source: Compiled by LSA (May 2023) (Appendix A).

kWh = kilowatt hours

As identified in Table 3.6.A, proposed uses on the site would demand a total of 1,115,176 kilowatt hours (kWh) of electricity on an annual basis. Total electricity consumption in San Bernardino County in 2021 was 16,180.8 GWh (16,180,811,158 kilowatt-hours (kWh)).⁶⁹ Therefore, operation of the proposed project would increase the annual electricity consumption in San Bernardino County by less than 0.01 percent.

Also shown in Table 3.6.A, proposed uses on the site would demand a total of 17,538 therms of natural gas per year. Total natural gas consumption in San Bernardino County in 2021 was 561 million therms (561,360,617 therms).⁷⁰ Therefore, operation of the proposed project would increase the annual natural gas consumption in San Bernardino County by less than 0.01 percent.

The State of California provides a minimum standard for building design and construction standards through Title 24 of the CCR, known as the California Building Code (CBC). The CBC is updated every three years, and the current 2022 CBC went into effect in January 2023. Compliance with Title 24 is mandatory at the time new building permits are issued by local governments. The California Building Standards Commission (CBSC) adopted Part 11 of the Title 24 Building Energy Efficiency Standards (also referred to as the California Green Building Standards Code, or CALGreen Code) in 2010 as part of the State's efforts to reduce greenhouse gas (GHG) emissions and energy consumption from residential and nonresidential buildings. The CALGreen Code covers the following five categories: (1) planning and design, (2) energy efficiency, (3) water efficiency and conservation, (4) material conservation and resource efficiency, and (5) indoor environmental quality. The City has adopted both the CBC and CALGreen Code as part of Chapter 15.45 (Climate Action Plan Implementation) of the City Municipal Code pertaining to energy conservation standards in effect at the time of construction. The projected energy use of the industrial development is representative of a worst-case, overestimated scenario because the estimates are based on CalEEMod default rates that assume compliance with the 2019 edition of Title 24/CBC. The industrial development would comply with the current 2022 CALGreen Code requirements and Title 24 efficiency standards, which would further improve energy efficiency during operation.

In addition, the industrial development would result in energy usage associated with consumption of motor vehicle gasoline and diesel fuel for project-related trips. Based on the Supplemental Traffic

⁶⁹ California Energy Commission. 2022. Electricity Consumption by County. Website: <http://www.ecdms.energy.ca.gov/elecbycounty.aspx> (accessed January 2023).

⁷⁰ California Energy Commission. 2022. Gas Consumption by County. Website: <http://www.ecdms.energy.ca.gov/gasbycounty.aspx> (accessed January 2023).

Impact Analysis (Appendix B2), the proposed industrial development use would generate approximately 139 average daily trips, including 112 passenger car trips, 7 two-axle truck trips, 6 three-axle truck trips, and 14 four+-axle truck trips. CalEEMod estimates annual vehicle miles traveled for operation of the industrial development to be 637,813 and assumes approximately 70.1 percent of trips would be gasoline-fueled and 29.9-percent of trips would be diesel-fueled based on the estimated truck trips. As indicated above, using the USEPA gasoline fuel economy estimates for 2020, the California diesel fuel economy estimates for 2021, and the traffic data from the project traffic analyses, the proposed project would result in the annual consumption of 19,511 gallons of gasoline and 23,875 gallons of diesel fuel.

The United States Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA) indicate the average fuel economy for tractors (freight trucks) is between 5.5 and 6.5 mpg.⁷¹ The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 14.9 mpg in 1980 to 22.9 mpg in 2020.⁷² Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007, which originally mandated a national fuel economy standard of 35 mpg by the year 2020, and would be applicable to cars and light trucks of Model Years 2011 through 2020.⁷³ The EPA and the NHTSA amended the Corporate Average Fuel Economy (CAFE) standard. The new vehicle rules under the Safe Affordable Fuel-Efficient (SAFE) rule would hold the emissions standards at 2020 standards for both CAFE and SAFE until 2026. These new rules applies to the emissions of light duty cars and trucks from model years 2021 to 2026.⁷⁴

As stated previously, implementation of the proposed industrial development would increase the project-related annual fuel demand by 19,511 gallons of gasoline and 23,875 gallons of diesel fuel. However, progressive improvements to freight trucks (e.g., more efficient engines and improvements to aerodynamic features) and new automobiles purchased and operated by patrons and employees driving to and from the Industrial Development Site would be subject to fuel economy and efficiency standards applied throughout the State. As such, the fuel efficiency of vehicles associated with operation of the industrial development would increase throughout the life of the project as fuel efficiency of vehicles continues to improve in order to meet the State's 2030 GHG emission reduction goals pursuant to Senate Bill 32 and beyond. In addition, purchase and use of electric passenger vehicles is expected to increase as the price and efficiency of electric passenger vehicles improve, reducing the number and use of fossil fuel-dependent vehicles on the road. Employees of the proposed industrial development would also benefit from improved transportation to the site, as the improvements to public transportation would result in an expanded network of municipal buses,

⁷¹ United States Environmental Protection Agency and the National Highway Traffic Safety Administration. *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles – Phase 2*. Page 2-27. August 2016.

⁷² United States Department of Transportation, Bureau of Transportation Statistics. *Average Fuel Efficiency of U.S. Light Duty Vehicles*. Table 4-23. <https://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles> (accessed July 5, 2022).

⁷³ United States Department of Energy. *Energy Independence & Security Act of 2007*. <https://www.afdc.energy.gov/laws/eisa> (accessed July 5, 2022).

⁷⁴ United States Environmental Protection Agency and United States Department of Transportation. *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks*. August 24, 2018. <https://www.govinfo.gov/content/pkg/FR-2018-08-24/pdf/2018-18418.pdf> (accessed July 5, 2022).

bicycle infrastructure, and rideshare programs. The long-term operation of the industrial development would see a decrease in fuel consumption per mile due to continuous improvements to vehicles and transportation infrastructure, which would demand less energy consumption through the life of the project.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and required to comply with current CBC and CALGreen Code as part of Chapter 15.45 (Climate Action Plan Implementation) of the City Municipal Code to ensure operation of site-specific developments would demand only the energy required, and impacts from wasteful, inefficient, or unnecessary energy consumption would be less than significant.

Significance Conclusion: Increasingly stringent electricity, natural gas, and fuel efficiency standards combined with compliance with the CBC and CALGreen Code as part of Chapter 15.45 (Climate Action Plan Implementation) of the City Municipal Code and improved alternative transportation infrastructure throughout the region would ensure operation of the industrial development would demand only the energy required, and impacts from wasteful, inefficient, or unnecessary energy consumption would be **less than significant**.

3.7 GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving				
i. <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?</i>				
ii. <i>Strong seismic ground shaking?</i>				
iii. <i>Seismic-related ground failure, including liquefaction?</i>				
iv. <i>Landslides?</i>				

Less than Significant Impact/Less than Significant with Mitigation Incorporated

Discussion of Effects:

Industrial Development Site:

- i. The Industrial Development Site is not located within an Earthquake Fault Zone as defined by the State of California in the Alquist-Priolo Earthquake Fault Zone Act of 1972 or as defined the State of California, Department of Conservations, Geological Survey. According to the United States Geological Survey (USGS), the Chino-Central Avenue Fault is the only active fault in the Chino area, however this fault is a subsurface fault that is not expected to rupture, therefore it is not mapped according to the Alquist-Priolo Act.⁷⁵ In addition, there is no evidence of any faults or faulting activity on the Industrial Development Site.⁷⁶ As such, the risk of ground rupture due to fault displacement beneath the site is low.
- ii. The Industrial Development Site is located within a seismically active region. There are several active faults with the Southern California region, with a number of faults traversing the San Jacinto Valley and Temecula Valley.⁷⁷ The major regional faults with the potential to affect the industrial development site include the Sierra Madre, San Jacinto, and San Andreas Faults. The nearest active fault in proximity to the Industrial Development Site is the Chino-Central Avenue Fault located less than 1.25 mile from the site and is capable of producing a Magnitude 7.0 earthquake. Other active faults in the region are expected to produce lower seismic activity due to smaller anticipated earthquakes and/or the Industrial Development Site's greater distance to other faults.⁷⁸ Due to the presence of active and inferred faults in proximity to the Industrial Development Site, the site is expected to experience occasionally moderate to severe ground-shaking, as well as some background shaking from other seismically active areas of the Southern California region. The extent of ground-shaking associated with an earthquake is dependent upon the size of the earthquake and the geologic material of the underlying area. State law requires the design and construction of new structures comply with current California Building Code (CBC) requirements, which address general geologic, seismic (including ground shaking), and soil constraints for new buildings. Accordingly, design and construction of the Industrial Development Site would be required to adhere to 2022 CBC requirements to reduce any potential impacts from seismic related activity.

Prior to the issuance of a grading permit, the project applicant would be required to prepare and submit detailed grading plans of the industrial development. The plans must be prepared in conformance the current CBC and applicable City standards as prescribed through **Mitigation Measure GEO-1.**

⁷⁵ City of Chino, *Chino General Plan Draft EIR, Section 4.6 Geology, Soils, and Seismicity*, Pages 4.6-3 through 4.6-4. January 2010.

⁷⁶ California Department of Conservation. California Geological Survey. CGS Earthquake Zones (ca.gov). (accessed April 18, 2022).

⁷⁷ Ibid.

⁷⁸ NorCal Engineering. *Geotechnical Engineering Investigation, Proposed Industrial Warehouse Development, Chino California*. Page 5. October 14, 2019 (Appendix E).

Mitigation Measure GEO-1

Prior to issuance of grading and/or building permits, the project applicant shall provide evidence to the City of Chino (City) for review and approval that proposed structures, features, and facilities have been designed and would be constructed in conformance with applicable provisions of the 2022 edition of the California Building Code (CBC) or the most current edition of the CBC in effect at the time the applicant's development application is deemed complete by the City.

Additionally, the project applicant shall provide evidence to the City that the recommendations cited in the project-specific Geotechnical Investigation are incorporated into project plans and/or implemented as deemed appropriate by the City. Geotechnical recommendations include, but are not limited to, removal of existing vegetation, structural foundations, floor slabs, irrigation lines, utility lines, and any other surface and subsurface improvements that would not remain in place for use with the new development. Remedial earthwork, overexcavation, and ground improvement shall occur to depths specified in the Geotechnical Investigation to provide a sufficient layer of engineered fill or densified soil beneath the structural footings/foundations, as well as proper surface drainage devices. Retaining wall parameters shall be in accordance with the Geotechnical Investigation to protect against lateral spreading and landslides. Additionally, Type II cement according to the latest CBC specifications shall be utilized for the construction of building foundations and additional sulfate tests shall be performed at the completion of site grading to ensure that graded conditions are consistent with the recommendations specified in the Geotechnical Investigation to protect concrete, steel, and other metals from corrosive soils. Verification testing must be performed upon completion of ground improvements to confirm that the compressible soils have been sufficiently densified. The structural engineer must determine the ultimate thickness and reinforcement of the building floor slabs based on the imposed slab loading.

As necessary, the City may require additional studies and/or engineering protocols to meet its requirements. This measure shall be implemented to the satisfaction of the City Director of Building or designee.

- iii.* Liquefaction occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. A relatively shallow groundwater table (within approximately 50 feet below ground surface) or completely saturated soil conditions in conjunction with a source of ground shaking, such as an earthquake, may facilitate soil mass distortion such as liquefaction. Upon review of local groundwater maps, the Geotechnical

Investigation (Appendix E) indicated groundwater levels are more than 300 feet below the ground surface at the Industrial Development Site. Based on the substantial groundwater depth near the Industrial Development Site, the site is not located in an area susceptible to liquefaction.

- iv. Factors that contribute to slope failure include slope height and steepness, shear strength and orientation of weak layers in the underlying geologic units, and pore water pressures. The on-site soils are expected to possess a friction angle of at least 40 degrees. The Industrial Development Site is relatively flat and does not contain any steep slopes, nor is it located adjacent to a hillside area with unstable slopes. All retaining walls proposed on site shall be designed and constructed pursuant to the recommendations of the project-specific Geotechnical Investigation (refer to **Mitigation Measure GEO-1**), including the use of select backfill to achieve an adequate soil-footing coefficient of friction of 0.40 and an equivalent passive pressure of 250 pounds per cubic foot.⁷⁹ Additionally, any retaining walls greater than 6 feet tall shall be designed for seismic lateral earth pressures pursuant to applicable provisions of the CBC, as specified in **Mitigation Measure GEO-1**.

East End Annexation : No physical development is proposed on any property within the annexation area except on the 3.59-acre industrial development site, and the balance of the annexation area is already developed with industrial uses. Future development within the balance of the East End Annexation area (53.28 acres) would be required to comply with CEQA, the latest CBC, and applicable City standards with regards to direct rupture of earthquake faults, seismic ground shaking, liquefaction, and/or landslides on a project- and site-specific basis.

Significance Conclusion:

Industrial Development Site:

- i. There are no on-site active faults within the Industrial Development Site, therefore **less than significant impacts** related to fault-rupture would occur on the site and no mitigation is required.
- ii. Given the location of the Industrial Development Site, there is potential for strong seismic ground shaking. Upon implementation of **Mitigation Measure GEO-1**, post-construction differential movements of shallow foundations designed and construction in accordance with applicable provisions of the 2022 edition of the CBC and measures identified in the project-specific Geotechnical Investigation (Appendix E) are expected to strengthen the existing fill to support a new fill, structural foundations, and grade slabs. Impacts from seismic ground-shaking would be reduced to **less than significant with mitigation incorporated**.

⁷⁹ NorCal Engineering. *Geotechnical Engineering Investigation, Proposed Industrial Warehouse Development, Chino California*. Page 10. October 14, 2019 (Appendix E).

- iii. **Mitigation Measure GEO-1** would reduce potential impacts from seismic-related ground failure due to seasonal saturation of the near-surface sediments to **less than significant with mitigation incorporated.**
- iv. **Mitigation Measure GEO-1** in conjunction with the relatively flat-lying topography of the Industrial Development Site would reduce the likelihood of landslides or lateral spreading to **less than significant with mitigation incorporated.**

East End Annexation: There is no development application for any property within the 53.28-acre East End Annexation area, which is already developed. Future development within the balance of the East End Annexation area would be required to comply with CEQA, the latest CBC, and applicable City standards with regards to direct rupture of earthquake faults, seismic ground shaking, liquefaction, and/or landslides on a project- and site-specific basis. Impacts would be less than significant with no mitigation required.

b. Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact

Discussion of Effects:

Industrial Development Site: The Industrial Development Site is mostly vacant and undeveloped except for one abandoned structure. Soils mapped on site include Grangeville fine sandy loam soils, which are formed from alluvial deposition associated with flood plains at slopes between zero and two percent.⁸⁰ According to the City's General Plan EIR, the soils in Chino, including those of the Industrial Development Site, generally do not exhibit high erosion potential.⁸¹ Development on the Industrial Development Site would disturb surface soils and make them susceptible to erosion or loss of topsoil. Short-term erosion effects during the construction phase would be prevented through required grading permits and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and incorporation of best management practices (BMPs) intended to reduce soil erosion.⁸² Refer to Section 3.10(a) for additional information.

Compliance with storm water regulations include minimizing storm water contact with potential pollutants by providing covers and secondary containment for construction materials, designating areas away from storm drain systems for storing equipment and materials, and implementing good housekeeping practices at the construction site. Prior to the issuance of a grading permit, the project applicant would be required to prepare and submit site-specific, detailed grading plans to the City in accordance with Chapter 13, Section 25-405 (Permits required-Industrial activities) of the City Municipal Code to minimize soil erosion, runoff, and water waste.

Operation of the industrial development would be subject to a Water Quality Management Plan (WQMP), which incorporates measures to capture excess stormwater runoff and prevent soil erosion to downstream water courses from the conversion of permeable surfaces to impermeable surfaces

⁸⁰ Duke CRM. *Cultural and Paleontological Resources Assessment Report*. Page 2. September 22, 2021. (Appendix D).

⁸¹ City of Chino, *Chino General Plan Draft EIR, Section 4.6 Geology, Soils, and Seismicity*. Page 4.6-19. January 2010.

⁸² Pursuant to the National Pollutant Discharge Elimination System (NPDES) program and Chapter 13, Sections 20 and 25 of the City Municipal Code.

pursuant to Chapter 13, Section 25-500 (Water quality management plan) of the City Municipal Code. The WQMP is required to be incorporated by reference or attached to a project's SWPPP as the Post-Construction Management Plan.

East End Annexation: No physical development is proposed on any property within the annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed with industrial uses. In accordance with *CEQA Guidelines* Section 21065, there would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future site-specific physical developments in the remaining acres of the East End Annexation would be subjected to comply with Chapter 13, Sections 20 (Wastewater Discharge Regulations) and 25 (Stormwater Drainage System Regulations) of the City Municipal Code to prevent erosion and loss of topsoil to downstream water courses during project-specific construction and operation.

Significance Conclusion: Adherence to the BMPs contained in the SWPPP and WQMP in accordance with Chapter 13, Sections 20 (Wastewater Discharge Regulations) and 25 (Stormwater Drainage System Regulations) of the City Municipal Code would ensure that impacts related to soil erosion and loss of topsoil would remain **less than significant**, and no mitigation is required.

- c. **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?**

Less than Significant with Mitigation Incorporated

Discussion of Effects:

Industrial Development Site: The Industrial Development Site is mostly flat and surrounded by development. There is no evidence of landslides and/or slope instabilities on the site. As detailed in Section 3.7 (Threshold a)(iii) and (iv) above, the Industrial Development Site is not located in an area considered susceptible to liquefaction or landslides. In addition, the property's deep groundwater table and flat topography would reduce potential impacts from landslides, slope instabilities, lateral spreading, and/or liquefaction at the Industrial Development Site.

The project site is located within Central Management Zone-1 (Areas of Subsidence Concern) of the *Chino Basin Optimum Basin Management Program: Management Zone 1 Subsidence Management Plan*.⁸³ The City implements a process of design review to ensure site-specific geotechnical investigations are prepared to ensure appropriate design standards are implemented based on the type of development proposed on specific soils. Pursuant to Objective SAF-1.1, Policies P2 and P3, the project must include adequate investigation of all geological hazards including subsidence. Pursuant to Standard Condition of Approval 3.6, a geotechnical investigation was conducted to determine the adequacy of building engineering for the local soil condition, including structural damage from potential subsidence.⁸⁴

⁸³ Chino Basin Watermaster. *Chino Basin Optimum Basin Management Program: Management Zone 1 Subsidence Management Plan*. Figure 2-2. October 2007.

⁸⁴ City of Chino. *Section 4.6 Geology, Soils, and Seismicity, Chino General Plan Draft EIR*. Page 4.6-20, January 2010.

The site-specific geotechnical investigation indicates the upper 1 foot of soils may not be suitable for structure support as they presently exist and would require remedial grading.⁸⁵ Shrinkage, bulking, and subsidence are primarily dependent upon the degree of soil compaction achieved during construction. Variations in the in-situ density of existing soils and the degree to which fill soils are compacted would influence earth volume changes. A shrinkage factor of between 10 and 20 percent should be expected as soil is removed and replaced as compacted fill, and the subsidence factor is approximately 0.2 foot.⁸⁶

Mitigation Measure GEO-1 would ensure overexcavation and establishment of a sufficient layer of engineered fill or densified soil is prepared beneath any proposed structural footings/foundations. Upon implementation of **Mitigation Measure GEO-1**, post-construction differential movements of shallow foundations designed and constructed in accordance with applicable provisions of the 2022 edition of the CBC and measures identified in the project-specific Geotechnical Investigation (Appendix E), are within the tolerable limits of post-construction static and differential settlements of 0.75 inch and less than 0.25 inch, respectively.⁸⁷

East End Annexation: The project site is located within Central Management Zone-1 (Areas of Subsidence Concern) of the *Chino Basin Optimum Basin Management Program: Management Zone 1 Subsidence Management Plan*.⁸⁸ However, no physical development is proposed on any property within the annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed with industrial uses. In accordance with *CEQA Guidelines* Section 21065, there would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Further CEQA action on site-specific physical developments on the remaining acres of the East End Annexation in the future would be subjected to comply with CEQA with regards to landslides, lateral spreading, subsidence, liquefaction, or collapse. Pursuant to Objective SAF-1.1, Policies P2 and P3 of the City General Plan, the project must include adequate investigation of all geological hazards including subsidence. Pursuant to Standard Condition of Approval 3.6, all future developments within the East End Annexation area would be required to include site-specific geotechnical investigations to ensure appropriate design standards are implemented based on the type of development proposed on specific soils.

Significance Conclusion: Based on the analysis above, compliance with Objective SAF-1.1, Policies P2 and P3 of the City General Plan, and implementation of **Mitigation Measure GEO-1**, potential impacts from landslides, lateral spreading, subsidence, liquefaction, or collapse would be reduced to **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?**

⁸⁵ NorCal Engineering. *Geotechnical Engineering Investigation, Proposed Industrial Warehouse Development, Chino California*. Pages 8 and 9. October 14, 2019 (Appendix E).

⁸⁶ *Ibid.* Page 10.

⁸⁷ *Ibid.* Page 11.

⁸⁸ Chino Basin Watermaster. *Chino Basin Optimum Basin Management Program: Management Zone 1 Subsidence Management Plan*. Figure 2-2. October 2007.

Less than Significant Impact

Discussion of Effects:

Industrial Development Site: Expansive soils generally have a substantial amount of clay particles, which can give up water (shrink) or absorb water (swell). The change in the volume exerts stress on buildings and other loads placed on these soils. The amount and types of clay present in the soil influence the extent or range of the shrink/swell. The occurrence of clayey soils is often associated with geologic units having marginal stability. Expansive soils can be widely dispersed, and they can occur along hillside areas as well as low-lying alluvial basins.

Soils on site generally consist of silty sands with an expansion index of 3,⁸⁹ which has a potential expansion classification of “Very Low” and considered to be non-expansive.⁹⁰ Therefore, the Industrial Development Site is not located on expansive soil.

East End Annexation: No physical development is proposed on any property within the annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed with industrial uses. In accordance with *CEQA Guidelines* Section 21065, there would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Further CEQA action on site-specific physical developments in the remaining acres of the East End Annexation in the future would be subjected to comply with CEQA with regards to expansive soil.

Significance Conclusion: The Industrial Development Site is not located on expansive soil that would create substantial direct or indirect risks to life or property. Impacts would be **less than significant**. Mitigation is not required.

- 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?**

No Impact

Discussion of Effects:

Industrial Development Site: Development of the Industrial Development Site would connect to the municipal wastewater collection and conveyance facilities owned and operated by the City. Local wastewater is collected and conveyed to the regional sewer system, which is owned and operated by the Inland Empire Utilities Authority. Therefore, septic tanks would not be necessary and are not proposed as part of the industrial development.

East End Annexation: No physical development is proposed on any property within the annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed with industrial uses. In accordance with *CEQA Guidelines* Section 21065, there would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Further CEQA action on site-specific physical developments in the remaining acres of the East End

⁸⁹ *Ibid.* Page 37 of PDF.

⁹⁰ *Ibid.* Page 18.

Annexation in the future would be subjected to comply with CEQA with regards to the use of septic tanks or alternative wastewater disposal systems.

Significance Conclusion: The proposed project would not include the installation of septic tanks or alternative wastewater disposal systems, so there would be **no impact** relative to septic system or alternative wastewater disposal systems. Mitigation is not required.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant with Mitigation Incorporated

Discussion of Effect:

Industrial Development Site: According to the project-specific *Cultural and Paleontological Resources Assessment Report* (Appendix D), the Industrial Development Site is underlain by young alluvial-fan deposits (Qyf3) ranging in age from Holocene to late Pleistocene.⁹¹ Generally, Holocene sediments are too young to yield paleontological resources; however, these sediments are underlain by old alluvial sediments on the site, which are known to yield significant paleontological resources elsewhere in San Bernardino, Riverside, Los Angeles, and Orange Counties.

In accordance with State law, the industrial development would be required to comply with Penal Code *Section 622 Destruction of Sites*, which establishes as a misdemeanor the willful injury, disfiguration, defacement, or destruction of any object or thing of archaeological or historical interest or value, whether situated on private or public lands. California *Administrative Code, Title 14, Section 4307* states that no person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value. Furthermore, California Code of Regulations Section 1427 recognizes that California's archaeological resources need to be preserved and that every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.

No fossils were observed during the archaeological survey of the property. However, disturbance of subsurface sediments from past agricultural and residential activities on the Industrial Development Site does not preclude the potential for paleontological resources to be encountered if excavation activities reach Pleistocene-age sediments below the ground surface. The proposed industrial development must comply with all applicable regulations protecting paleontological resources and would be conditioned to cease excavation or construction activities if paleontological resources are identified during execution through **Mitigation Measure GEO-2**.

Mitigation Measure GEO-2: Prior to commencement of any grading activity on the Industrial Development Site, the applicant shall retain a paleontological monitor that would work under the direct supervision of a qualified paleontologist (defined as an individual with a B.S./B.A. in geology, or related discipline with an emphasis in paleontology and demonstrated competence in paleontological research, fieldwork,

⁹¹ Duke CRM, *Cultural and Paleontological Resources Assessment Report*. Page 2. September 22, 2021.

reporting, and curation). The qualified paleontologist shall attend the pre-construction meeting to discuss monitoring protocols. The paleontological monitor shall be present full-time during ground disturbance activity below five feet from the ground surface, including but not limited to grading, trenching, utilities, and off-site easements. If the qualified paleontologist determines that the sediments are not likely to produce fossil resources after excavation below five feet from the ground surface begins, monitoring efforts shall be reduced.

If during such ground disturbance activities, a paleontological resource is discovered, the monitor shall temporarily halt or redirect grading efforts, and shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area.

In consultation with the qualified paleontologist, the monitor shall assess the nature and significance of the find. If the specimen is not significant, it shall be mapped, documented, removed, and the area cleared to allow grading to recommence in the area of the find.

If the discovery is found to be significant, the qualified paleontologist shall notify the applicant and City immediately. In consultation with the applicant and the City, the qualified paleontologist shall develop a plan of mitigation which would likely include full-time monitoring, salvage excavation, scientific removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation of the find in a local qualified repository, and preparation of a report summarizing the find.

East End Annexation: No physical development is proposed on any property within the annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed with industrial uses. In accordance with *CEQA Guidelines* Section 21065, there would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Further CEQA action on site-specific physical developments in the remaining acres of the East End Annexation in the future would be subjected to comply with CEQA and State law to protect paleontological resources.

Significance Conclusion: With implementation of **Mitigation Measures GEO-2**, impacts to paleontological resources would be reduced to **less than significant with mitigation incorporated**.

3.8 GREENHOUSE GAS EMISSIONS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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"/>

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

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: For land use projects, this analysis incorporates to the South Coast Air Quality Management District (SCAQMD) Tier 3 threshold of 3,000 metric tons (MT) of carbon dioxide equivalent (CO₂e) emissions per year. Therefore, the industrial development would be considered to have a significant impact on the environment if it would generate 3,000 or more MT CO₂e per year.

The industrial development would generate greenhouse gas (GHG) emissions during on-site construction activities (e.g., site grading, utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, asphalt paving, and motor vehicles transporting the construction crew). Additionally, long-term operation of the industrial development would generate GHG emissions from stationary and mobile sources and indirect emissions from stationary sources associated with energy consumption. Overall, the following activities associated with the proposed project could directly or indirectly contribute to the generation of GHG emissions.

Construction Greenhouse Gas Emissions. Construction activities associated with the Industrial Development Site would produce combustion emissions from various sources. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO₂, CH₄, and N₂O. Furthermore, CH₄ is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change. Based on CalEEMod outputs, the Industrial Development Site would generate 346.0 MT CO₂e per construction.

The SCAQMD does not provide a separate GHG significance threshold for construction emissions, rather their guidance specifies that construction emissions should be amortized over 30 years (a typical project lifetime), added to the project operational emissions, and that total compared to the GHG significance threshold. When amortized over the 30-year life of the project, annual emissions would be 11.5 MT CO₂e per year.

Operational Greenhouse Gas Emissions. Long-term operation of the Industrial Development Site would generate GHG emissions from area, mobile, stationary, waste, and water sources, as well as indirect emissions from sources associated with energy consumption. Mobile-source GHG emissions would include project-generated vehicle trips associated with the Industrial Development Site. Area-source emissions would be associated with activities such as landscaping and maintenance on the project site and other sources. Waste-source emissions generated by the proposed project include energy generated by landfilling and other methods of disposal related to transporting and managing project-generated waste. In addition, water-source emissions associated with the proposed project are generated by water supply and conveyance, water treatment, water distribution, and wastewater treatment. Stationary sources include the use of a process boiler.

GHG emissions were estimated using CalEEMod. Table 3.8.A shows the estimated operational GHG emissions for the proposed project. Appendix A provides additional calculation details.

Table 3.8.A: Long Term Operational GHG Emissions

Emissions Source	Operational Emissions (MT/yr)				Percentage of Total
	CO ₂	CH ₄	N ₂ O	CO ₂ e	
Area Sources	<0.1	<0.1	<0.1	<0.1	<1
Energy Sources	379.0	<0.1	<0.1	381.0	41
Mobile Sources	323.0	<0.1	<0.1	333.0	36
Waste Sources	7.1	0.7	0.0	24.7	3
Water Sources	29.6	0.5	<0.1	45.1	5
Stationary Sources	142.0	<0.1	<0.1	142.0	15
Total Project Operational Emissions				925.8	100
Amortized Construction Emissions				11.5	-
Total Annual Emissions				937.3	-
SCAQMD Threshold				3,000	-
Exceed?				No	-

Source: Compiled by LSA (May 2023). (Appendix A).

CH₄ = methane

CO₂ = carbon dioxide

CO₂e = carbon dioxide equivalent

MT/yr = metric tons per year

N₂O = nitrous oxide

SCAQMD = South Coast Air Quality Management District

As discussed above, a project would have less than significant GHG emissions if it would result in operational-related GHG emissions of less than 3,000 MT CO₂e/yr. Based on the analysis results, the Industrial Development Site would result in approximately 937.3 MT CO₂e/yr. Therefore, operation of the Industrial Development Site would not generate significant GHG emissions that would have a significant effect on the environment.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed

annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Development of the Industrial Development Site would result in an increase of 937.3 MT CO₂e per year, which is less than the SCAQMD Tier 3 threshold of 3,000 MT CO₂e per year for industrial projects. Therefore, project-level and cumulative GHG emissions would be **less than significant**, and mitigation is not required.

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

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The City of Chino 2020-2030 Climate Action Plan (CAP) was adopted on November 17, 2020, to help the City meet the State's 2030 GHG reduction goal of 40 percent below 1990 levels pursuant to Senate Bill 32.⁹² The CAP identifies two approaches to determine a project's consistency with the CAP. One approach is through the use of GHG Screening Tables⁹³ and the second approach is by demonstrating that the project would reduce GHG emissions by at least 40 percent below the business as usual (BAU) baseline for the project. This analysis uses the first approach by utilizing the CAP's GHG Screening Tables. Projects that obtain at least 100 points will be consistent with the reduction quantities anticipated in the CAP Update. Consistent with *CEQA Guidelines*, such projects would be determined to have a less than significant individual and cumulative impact for GHG emissions.

Table 3.8.B. shows the Industrial Development Site's consistency with the CAP's Screening Table for Implementing GHG Performance Standards for Commercial Development and Public Facilities (Appendix F).

Table 3.8.B: Project Consistency with City of Chino CAP Screening Table for Implementing GHG Performance Standards for Commercial Development and Public Facilities

Feature	Description	Assigned Point Values	Project Points
Reduction Measure Energy: Exceed Energy Efficiency Standards in New Commercial Units			
Building Envelope			
Insulation	<ul style="list-style-type: none"> 2019 Title 24 Requirements (walls R-16; roof/attic R-32) Modestly Enhanced Insulation (walls R-15, roof/attic R-38) Enhanced Insulation (rigid wall insulation R-13, roof/attic R-38) Greatly Enhanced Insulation (spray foam insulated walls R-18 or higher, roof/attic R-38 or higher) 	0 points 9 points 11 points 12 points	9

⁹² City of Chino. *Chino 2020-2030 Climate Action Plan*. Page 3. Adopted November 17, 2020.

⁹³ The Screening Tables are a menu of point derived options that provide predictable GHG reductions for new development to implement. If a project commits to enough options within the GHG Screening Tables to achieve 100 points, the proposed project has committed to reducing its fair-share contribution of GHG reductions and is considered consistent with the Chino 2020-2030 CAP.

Windows	<ul style="list-style-type: none"> 2019 Title 24 Windows (0.3 U-factor, 0.23 solar heat gain coefficient [SHGC]) Enhanced Window (0.28 U-Factor, 0.22 SHGC) Greatly Enhanced Window (less than 0.28 U-Factor, less than 0.22 SHGC) 	0 points 4 points 5 points	4
Cool Roofs	<ul style="list-style-type: none"> Enhanced Cool Roof (CRRC Rated 0.2 aged solar reflectance, 0.75 thermal emittance) Greatly Enhanced Cool Roof (CRRC Rated 0.35 aged solar reflectance, 0.75 thermal emittance) 	7 points 8 points	8
Air Infiltration	Minimizing leaks in the building envelope is as important as the insulation properties of the building. Insulation does not work effectively if there is excess air leakage. <ul style="list-style-type: none"> Air barrier applied to exterior walls, calking, and visual inspection such as the HERS Verified Quality Insulation Installation (QII or equivalent) Blower Door HERS Verified Envelope Leakage or equivalent 	7 points 6 points	0
Thermal Storage of Building	Thermal storage is a design characteristic that helps keep a constant temperature in the building. Common thermal storage devices include strategically placed water filled columns, water storage tanks, and thick masonry walls. <ul style="list-style-type: none"> Modest Thermal Mass (10% of floor or 10% of walls 12" or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood, or other insulating materials) Enhanced Thermal Mass (20% of floor or 20% of walls 12" or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood, or other insulating materials) Enhanced Thermal Mass (80% of floor or 80% of walls 12" or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood, or other insulating materials) 	2 points 4 points 14 points	0
Indoor Space Efficiencies			
Heating/Cooling Distribution System	<ul style="list-style-type: none"> Modest Duct insulation (R-6 required) Enhanced Duct Insulation (R-8) Distribution loss reduction with inspection (HERS Verified Duct Leakage or equivalent) 	0 points 5 points 6 points	5
Space Heating/Cooling Equipment	<ul style="list-style-type: none"> 2019 Title 24 Minimum HVAC Efficiency (SEER 13/75% AFUE or 7.7 HSPF) Improved Efficiency HVAC (SEER 14/78% AFUE or 8 HSPF) High Efficiency HVAC (SEER 15/80% AFUE or 8.5 HSPF) Very High Efficiency HVAC (SEER 16/82% AFUE or 9 HSPF) 	0 points 4 points 5 points 7 points	4
Commercial Heat Recovery Systems	Heat recovery strategies employed with commercial laundry, cooking equipment, and other commercial heat sources for reuse in HVAC air intake or other appropriate heat recovery technology. Point values for these types of systems will be determined based upon design and engineering data documenting the energy savings.	TBD	0
Water Heaters	<ul style="list-style-type: none"> 2019 Title 24 Minimum Efficiency (0.57 Energy Factor) Improved Efficiency Water Heater (0.675 Energy Factor) High Efficiency Water Heater (0.72 Energy Factor) Very High Efficiency Water Heater (0.92 Energy Factor) Solar Pre-heat System (0.2 Net Solar Fraction) Enhanced Solar Pre-heat System (0.35 Net Solar Fraction) 	0 points 8 points 10 points 11 points 2 points 5 points	10

Daylighting	Daylighting is the ability of each room within the building to provide outside light during the day reducing the need for artificial lighting during daylight hours. <ul style="list-style-type: none">• All peripheral rooms within building have at least one window or skylight• All rooms within building have daylight (through use of windows, solar tubes, skylights, etc.)• All rooms daylighted	0 points 1 point 1 point	1
Artificial Lighting	<ul style="list-style-type: none">• Efficient Lights (25% of in-unit fixtures considered high efficiency. High efficiency is defined as 40 lumens/watt for 15 watt or less fixtures; 50 lumens/watt for 15-40 watt fixtures, 60 lumens/watt for fixtures >40 watt)• High Efficiency Lights (50% of in-unit fixtures are high efficiency)• Very High Efficiency Lights (100% of in-unit fixtures are high efficiency)	5 points 7 points 8 points	9
Appliances	<ul style="list-style-type: none">• Energy Star Commercial Refrigerator (new)• Energy Star Commercial Dishwasher (new)• Energy Star Commercial Clothes Washer	2 points 2 points 2 points	0
Miscellaneous Commercial Building Efficiencies			
Building Placement	North/south alignment of building or other building placement such that the orientation of the buildings optimizes conditions for natural heating, cooling, and lighting.	4 points	4
Shading	At least 90% of south-facing glazing will be shaded by vegetation or overhangs at noon on June 21st.	6 points	0
Other	This allows innovation by the applicant to provide design features that increase the energy efficiency of the project not provided in the table. Note that engineering data will be required documenting the energy efficiency of innovative designs and point values given based upon the proven efficiency beyond Title 24 Energy Efficiency Standards.	TBD	0
Existing Commercial Buildings Retrofits	The applicant may wish to provide energy efficiency retrofit projects to existing commercial buildings to further the point value of their project. Retrofitting existing commercial buildings within the City is a key reduction measure that is needed to reach the reduction goal. The potential for an applicant to take advantage of this program will be decided on a case-by-case basis and shall have the approval from the City of Chino Planning Department. The decision to allow applicants to participate in this program will be evaluated based upon, but not limited to the following: <ul style="list-style-type: none">• Will the energy efficiency retrofit project benefit low income or disadvantaged communities?• Does the energy efficiency retrofit project provide co-benefits important to the City?• Point value will be determined based upon engineering and design criteria of the energy efficiency retrofit project.	TBD	0
Reduction Measure Energy 3- All Electric Buildings			
Commercial/Industrial Renewable Energy Generation			
Photovoltaic	Solar Photovoltaic panels installed on commercial buildings or in collective arrangements within a commercial development such that the total power provided augments: <ul style="list-style-type: none">• 30 percent of the power needs of the project• 40 percent of the power needs of the project• 50 percent of the power needs of the project	8 points 12 points 16 points	16

	<ul style="list-style-type: none"> 60 percent of the power needs of the project 70 percent of the power needs of the project 80 percent of the power needs of the project 90 percent of the power needs of the project 100 percent of the power needs of the project 	19 points 23 points 26 points 30 points 34 points	
Wind Turbines	<p>Some areas of the City lend themselves to wind turbine applications. Analysis of the areas capability to support wind turbines should be evaluated prior to choosing this feature. Wind turbines as part of the commercial development such that the total power provided augments:</p> <ul style="list-style-type: none"> 30 percent of the power needs of the project 40 percent of the power needs of the project 50 percent of the power needs of the project 60 percent of the power needs of the project 70 percent of the power needs of the project 80 percent of the power needs of the project 90 percent of the power needs of the project 100 percent of the power needs of the project 	8 points 12 points 16 points 19 points 23 points 26 points 30 points 34 points	0
Off-site Renewable Energy Project	The applicant may submit a proposal to supply an off-site renewable energy project such as renewable energy retrofits of existing residential or existing commercial/industrial. These off-site renewable energy retrofit project proposals will be determined on a case-by-case basis accompanied by a detailed plan documenting the quantity of renewable energy the proposal will generate. Point values will be based upon the energy generated by the proposal.	TBD	0
Other Renewable Energy Generation	The applicant may have innovative designs or unique site circumstances (such as geothermal) that allow the project to generate electricity from renewable energy not provided in the table. The ability to supply other renewable energy and the point values allowed would be decided based upon engineering data documenting the ability to generate electricity.	TBD	0
Reduction Measure Water 1-3: Exceed Water Efficiency Standards			
Commercial Irrigation and Landscaping			
Water Efficient Landscaping	<ul style="list-style-type: none"> Eliminate conventional turf from landscaping Only moderate water using plants Only low water using plants Only California Native landscape that requires no or only supplemental irrigation 	0 points 2 points 3 points 5 points	3
Water Efficient Irrigation Systems	<ul style="list-style-type: none"> Low precipitation spray heads < .75"/hr or drip irrigation Weather based irrigation control systems combined with drip irrigation (demonstrate 20% reduced water use) 	1 point 3 points	3
Storm Water Reuse Systems	Innovative on-site storm water collection, filtration, and reuse systems are being developed that provide supplemental irrigation water and provide vector control. These systems can greatly reduce the irrigation needs of a project. Point values for these types of systems will be determined based upon design and engineering data documenting the water savings.	TBD	0
Commercial Potable Water			
Showers	Water Efficient Showerheads (2.0 gpm)	2 points	0
Toilets	<ul style="list-style-type: none"> Water Efficient Toilets/Urinals (1.5 gpm) Waterless Urinals (note that commercial buildings having both waterless urinals and high efficiency toilets will have a combined point value of 6 points) 	3 points 3 points	3
Faucets	Water Efficient faucets (1.28 gpm)	2 points	2

Commercial Dishwashers	Water Efficient dishwashers (20% water savings)	2 points	0
Commercial Laundry Washers	<ul style="list-style-type: none"> Water Efficient laundry (15% water savings) High Efficiency laundry Equipment that captures and reuses rinse water (30% water savings) 	2 points 4 points	0
Commercial Water Operations Program	Establish an operational program to reduce water loss from pools, water features, etc., by covering pools, adjusting fountain operational hours, and using water treatment to reduce draw down and replacement of water. Point values for these types of plans will be determined based upon design and engineering data documenting the water savings.	TBD	0
Reduction Measure OnRoad: Alternative Transportation Options			
Mixed-Use Development			
Mixed-Use	Mixes of land uses that complement one another in a way that reduces the need for vehicle trips can greatly reduce GHG emissions. The point value of mixed-use projects will be determined based upon traffic studies that demonstrate trip reductions and/or reductions in vehicle miles traveled.	TBD	0
Local Retail Near Residential (Commercial only Projects)	The point value of residential projects in close proximity to local retail will be determined based upon traffic studies that demonstrate trip reductions and/or reductions in vehicle miles traveled.	TBD	0
Preferential Parking			
Parking	<ul style="list-style-type: none"> Provide reserved preferential parking spaces for car-share, carpool, and ultra-low or zero emission vehicles. Provide larger parking spaces that can accommodate vans used for ride-sharing programs and reserve them for vanpools and include adequate passenger waiting/loading areas. 	1 point 1 point	1
Signal Synchronization and Intelligent Traffic Systems			
Signal Improvements	<p>Techniques for improving traffic flow include: traffic signal coordination to reduce delay, incident management to increase response time to breakdowns and collisions, Intelligent Transportation Systems (ITS) to provide real-time information regarding road conditions and directions, and speed management to reduce high free-flow speeds.</p> <ul style="list-style-type: none"> Synchronize signals along arterials used by project. Connect signals along arterials to existing ITS. 	1 point/signal 3 points/signal	0
Increase Public Transit			
Public Transit	The point value of a project's ability to increase public transit use will be determined based upon a Transportation Impact Analysis (TIA) demonstrating decreased use of private vehicles and increased use of public transportation. Increased transit accessibility (1–15 points)	TBD	0
Reduction Measure: Adopt and Implement a Bicycle Master Plan to Expand Bike Routes around the City			
Sidewalks	<ul style="list-style-type: none"> Provide sidewalks on both sides of the street (required) Provide pedestrian linkage between commercial and residential land uses within 1 mile 	1 point 3 points	4
Bicycle Paths	<ul style="list-style-type: none"> Provide bicycle paths within project boundaries Provide bicycle path linkages between commercial and other land uses Provide bicycle path linkages between commercial and transit 	1 point 2 points 5 points	0
Reduction Measure: Reduce Waste to Landfills			

Recycling	City initiated recycling program diverting 80% of waste requires coordination with commercial development to realize this goal. The following recycling features will help the City fulfill this goal: <ul style="list-style-type: none"> • Provide separated recycling bins within each commercial building/floor and provide large external recycling collection bins at central location for collection truck pick-up • Provide commercial/industrial recycling programs that fulfills an on-site goal of 80% diversion of solid waste • Recycle construction waste 	2 points 5 points 4 points	6
Other GHG Reduction Feature Implementation			
Other GHG Emissions Reduction Features	This allows innovation by the applicant to provide commercial design features that the GHG emissions from construction and/or operation of the project not provided in the table. Note that engineering data will be required documenting the GHG reduction amount and point values given based upon emission reductions calculations using approved models, methods, and protocols.	TBD	0
Total Points Earned by Commercial/Industrial Project			103

Source: Compiled by LSA through consultation with the Project Applicant (January 2023).

As shown in Table 3.8.B., the proposed industrial development would obtain at least 100 points and therefore would be consistent with the reduction quantities anticipated in the CAP Update. Therefore, the industrial development would be consistent with the Chino 2020-2030 CAP and no additional analysis of the industrial development's GHG emissions impacts is required.

Additionally, as detailed in Section 3.6 (Threshold b), compliance with the latest edition of Title 24/CBC and CALGreen Code for energy and water conservation is required for all development projects as a matter of City and State policy. Through implementation of Title 24/CBC and CALGreen Code, the industrial development would not conflict with site- and project-specific GHG reduction goals administered by the State and City.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and would be required to demonstrate consistency with the Chino 2020-2030 CAP when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: As detailed in the analysis and discussion above, the project is consistent with the Chino 2020-2030 CAP and the latest edition of Title 24/CBC and CALGreen Code. Therefore, impacts would be **less than significant**, and mitigation is not required.

3.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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, 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"/>

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less than Significant with Mitigation Incorporated

Discussion of Effect:

Industrial Development Site: Construction of the industrial development has the potential to create a hazard to the public or environment through the routine transportation, use, and disposal of construction-related hazardous materials such as fuels, oils, solvents, and other materials. Additionally, demolition of existing residential structure would involve disposal of lead-based materials (LBM) and asbestos-containing materials (ACM), as indicated in Appendix G, which must be disposed of in accordance with the federal, State, and local (San Bernardino County Department of Public Health and SCAQMD) regulations.

Demolition/Construction. Potential hazardous materials such as fuel, paint products, lubricants, solvents, and cleaning products may be used and/or stored on site during construction of the proposed industrial development. These materials are typical of materials delivered to construction sites. Due to the relatively small scale of proposed development (three warehouse buildings totaling 63,900 square feet on 3.59 acres), only limited quantities of these materials are expected to be used during construction, so they are not considered hazardous to the public at large.

The transport, use, and disposal of hazardous materials during construction would be regulated by the San Bernardino County Fire Department, the Chino Valley Independent Fire District, and the California Occupational Safety and Health Administration. Additionally, the United States Department of Transportation Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials by truck and rail on State highways and rail lines, as described in Title 49 of the *Code of Federal Regulations*, and implemented by Title 13 of the CCR.

The Industrial Development Site contains a subsurface septic system located east of the residential structure and would be encountered during rough grading and other ground-disturbing activities. The discovery of septic tanks or similar sewage disposal facilities and subsequent abandonment requires a permit from the San Bernardino County Building and Safety Division pursuant to California Plumbing Code Section 722, which stipulates specific conditions for the safe removal of remnant sewage and componentry, backfilling, and inspection from the San Bernardino County Building & Safety Division. Through compliance with California Plumbing Code Section 722, which is required for all development projects that encounter septic systems to be abandoned and removed as a matter of regulatory policy, removal of septic systems would not create a significant hazard to the public or the environment.

One residential structure (12040 East End Avenue; APN 1013-521-04) proposed for demolition was constructed prior to 1978.⁹⁴ Structures constructed prior to 1978 may contain LBM as well as ACM incorporated into various construction components including paint, roof tiles, and thermal insulation. The San Bernardino County Department of Public Health requires that all workers be properly protected when working with materials containing lead levels at or above 0.6 milligram per square centimeter (mg/cm²) or 600 parts per million (ppm) in accordance with Title 8, CCR Section 1532.1 (California Occupational Safety and Health Administration [Cal/OSHA] Construction Safety Orders, Lead). The Federal Environmental Protection Agency defines ACM as a material containing more than 1 percent asbestos as determined by polarized light microscopy, while Title 8, CCR Section 1529 (Asbestos) defines asbestos-containing materials as any manufactured construction material that contains more than one-tenth of 1 percent asbestos by weight. The SCAQMD and San Bernardino County Department of Public Works-Solid Waste Management Division require Asbestos Notification for proposed abatement activities and disposal tickets from an SCAQMD-approved disposal facility prior to demolition.

According to the project-specific Phase I Environmental Site Assessment (ESA) (Appendix G), the existing structure that predates restrictions on using LBM and ACM may contain LBM and ACM at levels that may require abatement.⁹⁵ Therefore, Cal/OSHA and the San Bernardino County

⁹⁴ Odic Environmental. *Phase 1 Environmental Site Assessment*. Page 2. November 5, 2018 (Appendix G).

⁹⁵ *Ibid.* Page 17.

Department of Public Health require LBM and ACM surveys in accordance with Title 8, CCR Section 1532.1 and Title 8, CCR Section 1529, as codified in **Mitigation Measures HAZ-1** through **HAZ-3**.

Mitigation Measure HAZ-1

An asbestos-containing materials (ACM) survey and lead-based materials (LBM) survey shall be completed for demolition of all structures constructed prior to 1978. A qualified California Occupational Safety and Health Administration (Cal/OSHA) Certified Site Surveillance Technician shall conduct the ACM survey. A qualified California Department of Public Health Lead Inspector Assessor shall conduct the LBM survey. If the ACM survey reveals no detectable asbestos levels pursuant to Title 8, CCR Section 1529, no further ACM survey or remedial work is required. If the LBM survey reveals no detectable lead levels pursuant to Code of Federal Regulations Chapter 29, Section 1926.62 and Title 8, California Code of Regulations Section 1532.1, no further LBM survey or remedial work is required. However, if a detectable level of asbestos is identified within structures proposed for demolition, **Mitigation Measure HAZ-2** shall apply. Furthermore, if a detectable level of lead is identified within structures proposed for demolition, **Mitigation Measure HAZ-3** shall apply. This measure shall be implemented to the satisfaction of the City of Chino Development Services Director or designee, and/or Building Division, or designee.

Mitigation Measure HAZ-2

Prior to the demolition of any structure identified to contain ACM, the project applicant shall retain a Certified Asbestos Consultant to abate ACM from the demolition site. An Asbestos Notification shall be prepared and submitted to the South Coast Air Quality Management District (SCAQMD) for approval before any asbestos abatement may commence. The Certified Asbestos Consultant shall provide a construction and demolition plan with disposal tickets from a San Bernardino County Department of Public Works-Solid Waste Management Division-approved disposal facility and SCAQMD air clearances prior to final inspection, and an asbestos report shall be provided to the City prior to the issuance of a demolition permit. This measure shall be implemented to the satisfaction of the City of Chino Development Services Director or designee, and/or Building Division, or designee.

Mitigation Measure HAZ-3

Prior to the demolition of any structure identified to contain LBM, the project applicant shall retain a California Department of Public Health Lead Inspector Assessor to abate LBM from the demolition site. The Lead Inspector Assessor shall provide a construction and demolition plan with disposal tickets from a San Bernardino County Department of Public Works-Solid Waste Management Division-approved disposal facility and South Coast Air Quality Management District air

clearances prior to final inspection, and a lead report shall be provided to the City prior to the issuance of a demolition permit. This measure shall be implemented to the satisfaction of the City of Chino Development Services Director or designee, and/or Building Division, or designee.

Operation. Similar to construction of the industrial development, the transport, use, and disposal of hazardous materials during warehouse operation would be regulated by the San Bernardino County Fire Department, the Chino Valley Independent Fire District, and the California Occupational Safety and Health Administration. Additionally, transport of hazardous materials by truck and rail on State highways and rail lines would be regulated by the United States Department of Transportation Office of Hazardous Materials Safety as described above.

These regulations inherently safeguard life and property from the hazards of fire/explosion arising from the storage, handling, and disposal of hazardous substances, materials, and devices, as well as hazardous conditions due to the use or occupancy of buildings.

East End Annexation: No physical development is proposed on any property within the annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed with industrial uses. There would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Further CEQA action on site-specific physical developments in the remaining acres of the East End Annexation in the future would be subjected to comply with CEQA and applicable local, State, and Federal regulations for the treatment and disposal of hazardous materials.

Significance Conclusion: Implementation of **Mitigation Measures HAZ-1** through **HAZ-3** require the project to comply with applicable regulations for the treatment and disposal of hazardous materials to ensure impacts from the routine transport, use, or disposal of hazardous materials are reduced to **less than significant with implementation of mitigation**.

- 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?**

Less than Significant with Mitigation Incorporated

Discussion of Effect:

Industrial Development Site: A project-specific Phase I ESA was prepared in accordance with the American Society for Testing and Materials (ASTM) International Standard E1527-13 for the purposes of identifying recognized environmental conditions (REC), controlled recognized environmental conditions (CREC), and historical recognized environmental conditions (HREC) on the Industrial Development Site (Appendix G).

An REC means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a

release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. The term is not intended to include de minimis conditions that generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis are not RECs. A CREC is defined as a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. An HREC means an environmental condition that in the past would have been considered an REC, but which may or may not be considered an REC currently. If a past release of any hazardous substances or petroleum products has occurred in connection with the property, with such remediation accepted by the responsible regulatory agency (for example, as evidenced by the issuance of a case closed letter or equivalent), this condition shall be considered an HREC.

The Phase I ESA includes federal, State, and local records reviews, interviews with persons occupying [and adjacent to] the Industrial Development Site, and an on-site inspection of the Industrial Development Site. According to the Phase I ESA, no RECs, CRECs, or HRECs occur on the Industrial Development Site, nor do any such environmental conditions within one mile of the site pose a substantial environmental hazard to the Industrial Development Site or its occupants.⁹⁶

As stated in Section 3.9 Threshold a above, the residential structure on the Industrial Development Site was constructed prior to 1978 and therefore may have LBM and ACM incorporated into various construction components including paint, roof tiles, and thermal insulation. Therefore, **Mitigation Measures HAZ-1** through **HAZ-3** are prescribed to ensure pre-demolition surveys of the structures at the site for ACM and LBM and suitably licensed and experienced contractors shall abate confirmed ACM and LBM prior to structure demolition in accordance with applicable regulatory standards.

A Vapor Intrusion Condition (VIC) can occur if volatile organic compounds (VOCs) are present in the vadose zone or in groundwater beneath a property at concentrations such that vapor could intrude into, and accumulate in, an overlying structure at concentrations hazardous to human health. A Vapor Encroachment Condition (VEC) can occur if VOCs from an off-site source migrate beneath a property. The Phase I ESA did not evaluate the potential presence of VICs and/or VECs; however, the Phase 1 ESA “did not identify any indication that a significant release of chemicals of concern (COCs) that has occurred from historical/current use of the Property or nearby sites”.⁹⁷ Based on the absence of documentation indicating solvent use at or around the Industrial Development Site, a VIC and/or a VEC at the site appears unlikely.

Pursuant to California Health and Safety Code Section 25507, a business shall establish and implement a Hazardous Materials Business Emergency Plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted pursuant to Section 25503 if the business handles a hazardous material or a mixture

⁹⁶ Odic Environmental. *Phase 1 Environmental Site Assessment*. Page 2 and 37. November 5, 2018 (Appendix G).

⁹⁷ *Ibid.* Page 33.

containing a hazardous material that has a quantity at any one time above the thresholds described in Section 25507(a) (1) through (8).

East End Annexation: No physical development is proposed on any property within the annexation area except on the 3.59-acre industrial development site, and the balance of the annexation area is already developed with industrial uses. There would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Further CEQA action on site-specific physical developments in the remaining acres of the East End Annexation in the future would be subjected to comply with CEQA and local, State, and Federal regulations to ensure the impacts from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment are less than significant.

Significance Conclusion: Health and Safety Code Section 25507 and **Mitigation Measures HAZ-1** through **HAZ-3** require the project to comply with applicable regulations for the treatment and disposal of hazardous materials to ensure impacts from reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment are reduced to **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?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: There are no existing schools within a 0.25-mile radius of the Industrial Development Site and there is no evidence to suggest any schools are proposed within 0.25 mile of the site.^{98, 99} According to the School Boundary Maps of the Chino Valley Unified School District, the nearest school in proximity to the Industrial Development Site is Lyle S. Briggs Fundamental School at 11880 Roswell Avenue, approximately 0.32 mile northeast of the Industrial Development Site.¹⁰⁰ Furthermore, any transport of hazardous materials associated with construction of the proposed industrial development would be in accordance with the United States Department of Transportation (USDOT), which regulates the transport of hazardous materials and waste and requires carriers to register with the California Department of Toxic Substances Control (DTSC). Only Cal/OSHA licensed Hazardous Materials Substances Removal contractors, and/or California State Registered Asbestos Abatement Contractors registered by the Division of Occupational Health and Safety in accordance with the California Administrative Code, Title 8, and article 2.5 and the SCAQMD Asbestos Hazard Emergency Response Act pursuant to Code of Federal Regulations Chapter 40, Part 763, subpart E would transport hazardous materials off site, as detailed in Section 3.9 Threshold A.

⁹⁸ Pomona Unified School District. *My School Locator*. <https://locator.decisioninsite.com/?StudyID=136503> (accessed July 5, 2022).

⁹⁹ Chino Valley Unified School District. *Boundaries/Maps*. <https://www.chino.k12.ca.us/domain/5297> (accessed July 5, 2022).

¹⁰⁰ *Ibid.*

East End Annexation: No physical development is proposed on any property within the annexation area except on the 3.59-acre industrial development site, and the balance of the annexation area is already developed with industrial uses. There would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Further CEQA action on site-specific physical developments in the remaining acres of the East End Annexation in the future would be subjected to comply with CEQA and applicable local, State, and Federal regulations for the release of hazardous materials or emissions of hazardous substances into the environment.

Significance Conclusion: Since no schools are located or proposed within 0.25 mile of the Industrial Development Site, and any transport of hazardous materials associated with construction of the proposed project would be in accordance with applicable regulatory policy, impacts related to an accidental release of hazardous materials or emissions of hazardous substances within one-quarter mile of an existing or proposed school would be **less than significant**. No mitigation is required.

- 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?**

No Impact

Discussion of Effect:

Industrial Development Site: Hazardous materials sites compiled pursuant to Government Code Section 65962.5 are listed on the “Cortese List” (named after the Legislator who authored the legislation that enacted it), which is maintained by the California DTSC. The Industrial Development Site is not on any list of hazardous material sites compiled pursuant to Government Code Section 65962.5.¹⁰¹

East End Annexation: No property within the East End Annexation area is on any list of hazardous material sites compiled pursuant to Government Code Section 65962.5.¹⁰² In addition, no physical development is proposed on any property within the annexation area except on the 3.59-acre industrial development site, and the balance of the annexation area is already developed with industrial uses. There would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action.

¹⁰¹ California Department of Toxic Substances Control. *Hazardous Waste and Substances Site List (Cortese)*. 2022. https://www.envirostor.dtsc.ca.gov/public/search.asp?page=7&cmd=search&business_name=&main_street_name=&city=&zip=&county=&status=ACT%2CBKLG%2CCOM&branch=&site_type=CSITES%2CFUDS&npl=&funding=&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29&reporttype=CORTESE&federal_superfund=&state_response=&voluntary_cleanup=&school_cleanup=&operating=&post_closure=&non_operating=&corrective_action=&tiered_permit=&evaluation=&spec_prog=&national_priority_list=&senate=&congress=&assembly=&critical_pol=&business_type=&case_type=&searchtype=&hwmp_site_type=&cleanup_type=&ocieerp=&hwmp=False&permitted=&pc_permitted=&inspections=&inspectionsother=&complaints=&censustract=&cesdecile=&school_district=&or derby=county (accessed July 5, 2022).

¹⁰² *Ibid.*

Significance Conclusion: The project site is not on any list of hazardous material sites compiled pursuant to Government Code Section 65962.5. Therefore, **no impact** would occur. Mitigation is not required.

- 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?**

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site is located approximately 7.3 miles northwest of the Ontario International Airport (ONT) within the ONT Airport Influence Area of the Ontario International Airport Land Use Compatibility Plan (ONTLUCP).¹⁰³ The Industrial Development Site is not within an ONTLUCP Safety Zone or Noise Impact Zone.¹⁰⁴ Although the Industrial Development Site is located within the ONTLUCP Overflight Notification Zone for Real Estate Transaction Disclosures and within the ONT Airspace Protection Zone for structural heights greater than 200 feet above grade,¹⁰⁵ recording of an overflight notification is not required for nonresidential development unless the project is a mixed-use development containing residential uses on the same property pursuant to Overflight Policy O1d (Nonresidential Exception).¹⁰⁶ Also, the height of the proposed warehouse buildings would not exceed 35 feet. Therefore, the industrial development would not conflict with ONT operations, and notification is not required.

Additionally, the Industrial Development Site is located approximately 6 miles northwest of the Chino Airport, a general aviation airport owned and operated by the San Bernardino County Department of Airports. According to the Chino Airport Comprehensive Land Use Plan,¹⁰⁷ the Industrial Development Site is located outside the Chino Airport Influence Area.

East End Annexation: No physical development is proposed on any property within the annexation area except on the 3.59-acre industrial development site, and the balance of the annexation area is already developed with industrial uses. There would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Similar to the Industrial Development Site, the East End Annexation area is located within the ONT Airport Influence Area of the Ontario International Airport Land Use Compatibility Plan (ONTLUCP)¹⁰⁸, and is within the ONTLUCP Overflight Notification Zone for Real Estate Transaction Disclosures and within the ONT Airspace Protection Zone for

¹⁰³ Ontario International Airport Land Use Compatibility Plan. *Chapter 2: Procedural and Compatibility Policies*. Map 2-1: Airport Influence Area. April 19, 2011.

¹⁰⁴ *Ibid.* Map 2-2: Safety Zones, and Map 2-3: Noise Impact Zones.

¹⁰⁵ *Ibid.* Map 2-4: Airspace Protection Zones, and Map 2-5: Overflight Notification Zones.

¹⁰⁶ *Ibid.* Page 2-31.

¹⁰⁷ Riverside County Airport Land Use Compatibility Plan Policy Document. *Compatibility Map, Chino Airport. Map CH-1*. Adopted September 2008. [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.rcaluc.org/Portals/13/PDFGeneral/plan/newplan/09-%20Vol.%201%20Chino.pdf](https://www.rcaluc.org/Portals/13/PDFGeneral/plan/newplan/09-%20Vol.%201%20Chino.pdf) (accessed July 5, 2022).

¹⁰⁸ Ontario International Airport Land Use Compatibility Plan. *Chapter 2: Procedural and Compatibility Policies*. Map 2-1: Airport Influence Area. April 19, 2011.

structural heights greater than 200 feet above grade.¹⁰⁹ Future development of any property within the 53.28 acres of the annexation area would be subject to CEQA review and required to comply with applicable policies of the ONTLUCP when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Impacts related to airport hazards for people working on the project site would be reduced to **less than significant impact**.

f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site:

Construction. Construction activities that may temporarily restrict vehicular traffic would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. Typical City requirements include prior notification of any lane or road closures with sufficient signage before and during any closures, flag crews with radio communication when necessary to coordinate traffic flow, etc. The warehouse developer would be required to comply with these requirements, which would maintain emergency access and allow for evacuation if needed during construction activities.

Operation. Access to and from the Industrial Development Site is available via Philadelphia Street and East End Avenue. Implementation of the proposed industrial development would increase the number of trucks operating near the site and would generate an increase in the amount and volume of traffic on local and regional roadway networks. In accordance with the California Fire Code, the project applicant is required to design, construct, and maintain structures, roadways, and facilities to maintain appropriate emergency/evacuation access to and from the Industrial Development Site as codified in Chapter 15.32 (Fire Code) and Chapter 19.06.040 (Street design and improvements) of the City Municipal Code.

Entrances and exits to and from parking and loading facilities would be marked with appropriate directional signage. All site access points and driveway aprons are designed and would be constructed to adequate widths for public safety pursuant to City Municipal Code Chapter 19.06.040. Off site, the industrial development would dedicate 19 feet of right-of-way along Philadelphia Street and East End Avenue frontages and construct these roadways to the ultimate half-width per the General Plan standard for a Secondary Arterial Street. Additional off-site improvements would include installation of curb, gutter, sidewalk, landscaping, streetlights, and trees along the Industrial Development Site frontage of Philadelphia Street and East End Avenue. (Figure 6 details the infrastructure and off-site improvements).

¹⁰⁹ *Ibid.* Map 2-4: Airspace Protection Zones, and Map 2-5: Overflight Notification Zones.

These improvements would be subject to compliance with the City Municipal Code sections specified above and would be reviewed by the Chino Valley Independent Fire Protection District (CVIFPD) and the Chino Police Department through the City's general development review process.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Compliance with applicable construction activity requirements would ensure that short-term impacts related to emergency access and evacuation would be **less than significant**. Mitigation is not required.

Proper site design and compliance with standard and emergency City access requirements would allow for evacuation if necessary during ongoing warehouse operations. Therefore, long-term impacts related to this issue would be **less than significant**. Mitigation is not required.

g. Expose people or structures to a significant risk of loss, injury or death involving wildland fires.

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site is not within a Very High Fire Hazard Severity Zone (VHFHSZ) in the Local Responsibility Areas (LRAs).¹¹⁰ Although the City is not located in a fire hazard zone, the Industrial Development Site and vicinity are located in areas identified by the City to be areas at moderate risk of a wildfire event.¹¹¹ San Bernardino County and Chino are subject to seasonal wind events including times during the fall when Santa Ana Wind conditions are prevalent. Santa Ana Wind conditions in the area of the Industrial Development Site typically blow from a northeast to southwest direction (an offshore flow). Wildfires have been recorded to occur in such Santa Ana Wind events sometimes leading to uncontrolled spread of wildfires. California Department of Forestry and Fire Protection (CAL FIRE) and the San Bernardino County Fire Department have taken these conditions and the locations of Fire Hazard Severity Zones into consideration when determining potential impacts associated with wildfire spread within the City of Chino and surrounding cities. If such a conflagration¹¹² driven by winds were to get out of control, the City's CVIFPD and San Bernardino County Fire Department have procedures in place to respond to such an emergency and evacuate residents and employees as needed.¹¹³ Additionally, the industrial development would be required to comply with the City's Weed Abatement Program to reduce fire risk.¹¹⁴

¹¹⁰ California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP). FHSZ Viewer. <https://egis.fire.ca.gov/FHSZ/> (accessed April 14, 2022).

¹¹¹ City of Chino, *Chino General Plan Draft EIR, Section 4.7 Hazards and Hazardous Materials*. Figure 4.7-1. January 2010

¹¹² Conflagration is an extensive fire that destroys a great deal of land or property.

¹¹³ Chino Valley Fire District. *2018 Master Plan Update*. Page 20. July 19, 2018.

¹¹⁴ City of Chino, *Chino General Plan Draft EIR, Section 4.7 Hazards and Hazardous Materials*. Page 4.7-5. January 2010.

Additionally, the Industrial Development Site is surrounded by developed land and would be required to comply with current applicable Fire Code requirements for ignition-resistant construction and with the Safety Element of the City's General Plan.

East End Annexation: The East End Annexation area is not within a VHFHSZ in the LRA.¹¹⁵ However, the East End Annexation area is located in an area identified by the City to be at moderate risk of a wildfire event.¹¹⁶

No physical development is proposed on any property within the annexation area except on the 3.59-acre industrial development site, and the balance of the annexation area is relatively flat and already developed with industrial uses. There would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development within the annexation area would be required to comply with local regulations, including the City's Weed Abatement Program, to deter the risk of wildfires and would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: In consideration of the Industrial Development Site's location in a developed area of the City and compliance with wildland fire safety policies, including the City's Weed Abatement Program, it is not expected that the project would expose people or structures to significant loss or injury from wildland fires. Impacts are **less than significant**, and mitigation is not required.

¹¹⁵ California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP). FHSZ Viewer. <https://egis.fire.ca.gov/FHSZ/> (accessed April 14, 2022).

¹¹⁶ City of Chino, *Chino General Plan Draft EIR, Section 4.7 Hazards and Hazardous Materials*. Figure 4.7-1. January 2010.

3.10 HYDROLOGY AND WATER QUALITY

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere with groundwater recharge such that the project may impede substantial groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would:				
i. Result in substantial erosion or siltation on or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in flood hazard, tsunami, or seiche zones, or 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"/>

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The California State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCBs) regulate the quality of surface water and groundwater bodies throughout California. For the City of Chino, including the Industrial Development Site, the Santa Ana Regional Water Quality Control Board (SARWQCB) is responsible for implementation of the Water Quality Control Plan.

Runoff water quality is regulated by the National Pollutant Discharge Elimination System (NPDES) Program (established through the Federal Clean Water Act). The NPDES program objective is to

control and reduce pollutant discharges to surface water bodies. Compliance with NPDES permits is mandated by State and federal statutes and regulations. Locally, the NPDES program is administered by the SARWQCB and any construction activities, including grading, that would result in the disturbance of one acre or more of land would require compliance with the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity (Construction General Permit). The proposed industrial development would result in the disturbance of approximately 3.59 acres and therefore would be required to comply with the Construction General Permit.

The City adopted Chapter 13.25 (Stormwater Drainage System Regulations) of the Municipal Code requiring preparation and adoption of a project-specific Water Quality Management Plan (WQMP). The WQMP identifies Best Management Practices (BMPs) to be implemented to ensure that water quality of receiving waters is not degraded due to project implementation. Projects in the City of Chino are required to prepare and submit to the City for review a Preliminary WQMP for land use permit approvals. A Final WQMP must be submitted to the City for review and approval prior to the issuance of grading/building permits.

Under existing conditions, the majority of the Industrial Development Site consists of pervious surface area. Storm water generally sheet flows in a southerly direction and drains off site onto Philadelphia Street and East End Avenue where it flows either west along Philadelphia Street into the concrete San Antonio Creek Channel or south along East End Avenue prior to entering the Municipal storm drain system along East End Avenue north of SR-60.¹¹⁷ Development of the Industrial Development Site is expected to increase the amount of impervious surface area substantially due to the three proposed warehouse buildings, surface parking lot, and drive aisles. However, the proposed industrial development is expected to generally maintain the existing drainage pattern. Upon development of the site, all runoff would be captured on-site in accordance with Santa Ana Regional Water Quality Control Board Order Number R8-2010-0033, National Pollutant Discharge Elimination System Permit No. CAS618033, also known as the Municipal Separate Storm Sewer System or MS4 permit. Impervious surfaces would drain to adjacent landscaping, where feasible, for impervious area dispersion, while the majority of runoff from the site would be infiltrated via two underground detention systems located beneath the on-site drive aisles in the western portion of the site. Any overflow from the underground detention systems would be routed to the existing 33-inch storm drainpipe at Philadelphia Street prior to draining into the concrete San Antonio Creek Channel at volumes that do not exceed the existing, pre-developed condition.¹¹⁸

Runoff from the Industrial Development Site drains from Philadelphia Street west into the concrete San Antonio Creek Channel or from East End Avenue south into the Municipal storm drain system along East End Avenue north of SR-60. From there, runoff drains to the San Antonio Creek Channel, which drains to Chino Creek Reaches 2, 1A and 1B, then to Santa Ana River Reach 3. To address potential water contaminants, the industrial development is required to comply with applicable federal, State, and local water quality regulations. As mentioned above, all development projects that would disturb more than one acre of land in the City are required to prepare a Water Quality Management Plan (WQMP) to reduce water pollution impacts from construction and operation of the

¹¹⁷ Huitt-Zollars, Inc. *Preliminary Water Quality Management Plan for Philadelphia and East End Industrial*, HZ Project Number R310158.01. Ontario, California. February 24, 2021. (Appendix H1).

¹¹⁸ *Ibid.* Page 3-1.

developments. According to the project-specific WQMP, the United States Environmental Protection Agency (EPA)-approved Section 303(d) listed impairments for the development's receiving waters (Chino Creek Reaches 1A and 1B, Chino Creek Reach 2, and the Santa Ana River Reach 3) include copper, lead, indicator bacteria, chemical oxygen demand (COD), and pH (Appendix H1). These are the industrial development's priority pollutants of concern.

The industrial development would include two Drainage Management Areas (DMAs A and B) to manage storm water runoff. DMA A would manage runoff from 2.45 acres of the Industrial Development Site, and DMA B would manage runoff from 1.5 acres of the site,¹¹⁹ and direct flows into two proposed subterranean infiltration systems west of the proposed warehouse buildings prior to discharge into a 33-inch storm drain at Philadelphia Street that connects to the concrete San Antonio Creek Channel.

According to the project-specific WQMP (Appendix H1), the proposed infiltration chamber BMP must be sized with a design capture volume (DCV) of at least 14,273 cubic feet of runoff in order to adequately manage the 2.45 acres of DMA A and 1.5 acres of DMA B pursuant to the NPDES MS4 Permit.¹²⁰ In order to treat identified pollutants of concern,¹²¹ the proposed infiltration chamber BMP would be designed and constructed to capture approximately 14,403 cubic feet of runoff and include gravity separators to remove pollutants greater or equal to 2.4 millimeters (mm) in size, oil, grease, and other deleterious material prior to entering the infiltration chamber systems in order to maintain effective infiltration rates.¹²² With adequate DCV and pretreatment, the infiltration chambers BMP would treat "first-flush" runoff¹²³ from the Industrial Development Site and ensure post-development storm water runoff volume or time of concentration would not exceed pre-development conditions by more than 5 percent of the 2-year peak flow pursuant to the NPDES MS4 Permit.

Standard Conditions: The following Standard Conditions (compliance with Chapter 13.25 [Stormwater Drainage System Regulations] and City MS4 Permit) are regulatory requirements implemented as a routine action by the City to ensure compliance with SARWQCB water quality standards.

¹¹⁹ Huitt-Zollars, Inc. *Preliminary Water Quality Management Plan for Philadelphia and East End Industrial*, HZ Project Number R310158.01. Ontario, California. February 24, 2021. (Appendix H1). Page 4-14.

¹²⁰ Pursuant to the Santa Ana Regional Water Quality Control Board Order Number R8-2010-0033, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS618033, as amended by Order No. R8-2013-0024, also known as the Municipal Separate Storm Sewer System (MS4) permit, the hydrologic performance standard for the proposed bioretention basin is a flow duration curve of the post-development DMA not to exceed that of the pre-development, naturally occurring, DMA by more than 5 percent of the 2-year peak flow.

¹²¹ The project-specific priority pollutants of concern are copper, lead, indicator bacteria, COD, and pH pursuant to Section 3.3(d) of the Clean Water Act and the United States Environmental Protection Agency. Refer to Appendix H1 for additional information.

¹²² *Ibid.* Page VII-33.

¹²³ "First-flush" runoff is the initial surface runoff of storm water along impervious surfaces, such as parking lots, and is typically more concentrated with pollutants compared to the remainder of a storm event.

Standard Condition HYD-1

Prior to commencement of construction activities, the Applicant shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), (Santa Ana Regional Water Quality Control Board Order Number R8-2010-0033, National Pollutant Discharge Elimination System Permit No. CAS618033, as amended), or any other subsequent permit. This shall include submission of Permit Registration Documents, including permit application fees, a Notice of Intent, a risk assessment, a site plan, a Storm Water Pollution Prevention Plan (SWPPP), a signed certification statement, and any other compliance-related documents required by the permit, to the State Water Resources Control Board via the Stormwater Multiple Application and Report Tracking System (SMARTS). Construction activities shall not commence until a Waste Discharge Identification Number is obtained for the proposed project from the SMARTS and provided to the City of Chino Engineer/Public Works Director, or designee, to demonstrate that coverage under the Construction General Permit has been obtained.

The Final SWPPP shall be prepared by a qualified SWPPP Developer in accordance with the requirements of the Construction General Permit. Requirements include Best Management Practices (BMPs) for erosion and sediment control, site management/housekeeping/waste management, management of non-storm water discharges, run-on and runoff controls, and BMP inspection/maintenance/repair activities. BMP implementation shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association's *Stormwater Best Management Handbook-Construction*.

The Final SWPPP shall include a construction site monitoring program that identifies requirements for dry weather visual observations of pollutants at all discharge locations and, as appropriate (depending on the Risk Level), sampling of the site effluent and receiving waters. A Qualified SWPPP Practitioner shall be responsible for implementing the BMPs at the site and performing all required monitoring and inspection/maintenance/repair activities.

Standard Condition HYD-2

The project applicant shall comply with the Santa Ana Regional Water Quality Control Board Storm Water permit requirements, including the Chapter 13.25 (Stormwater Drainage System Regulations) of the Chino Municipal Code. The project applicant shall prepare and implement a Final Water Quality Management Plan (FWQMP) for the project. The FWQMP shall include submission to the State Water

Resources Control Board via the Stormwater Multiple Application and Report Tracking System (SMARTS). Construction activities shall not commence until a Waste Discharge Identification Number is obtained for the proposed project from the SMARTS and provided to the City of Chino Engineer/Public Works Director, or designee, to demonstrate that coverage under the Construction General Permit has been obtained. The FWQMP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project. At a minimum, the FWQMP for the project shall include:

- An inventory and accounting of existing and proposed impervious areas.
- Low Impact Development (LID) design details incorporated into the project. Specific LID design may include, but is not limited to using pervious pavements and green roofs, dispersing runoff to landscaped areas, and/or routing runoff to the storm water detention/retention chamber system that would be developed on site as part of the project design.
- Measures to address potential storm water contaminants. These may include measures to cover or control potential sources of storm water pollutants at the project site.
- A Final Storm Water Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm water drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan must be finalized prior to issuance of building permits for the project.

Implementation of **Standard Conditions HYD-1 and HYD-2** would occur pursuant to Chapter 13.25 (Stormwater Drainage System Regulations) and the City's MS4 Permit to ensure development of the Industrial Development Site does not violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water capacity.

East End Annexation: No physical development is proposed on any property within the 53.28-acre East End Annexation area, except for on the 3.59-acre Industrial Development Site. Future development of any property within the 53.28-acre annexation area would be subject to CEQA review and would be required to develop and implement a FWQMP when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Through compliance with **Standard Conditions HYD-1 and HYD-2**, impacts to water quality standards and discharge requirements would be **less than significant**, and mitigation is not required.

b. Substantially deplete groundwater supplies or interfere with groundwater recharge such that may impede substantial groundwater management of the basin?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The Monte Vista Water District (MVWD)¹²⁴ would supply water to the Industrial Development Site via groundwater supplies from the Chino Basin. To supplement its groundwater supply from the Chino Basin, the District is constructing a treatment facility and planning to construct an additional treatment facility by 2024 to remove pollutant contamination within basin wells.¹²⁵ The MVWD also purchases treated imported water from the Water Facilities Authority (WFA), which provides State Water Project (SWP) water purchased from the Metropolitan Water District of Southern California (MWD). Additionally, the MVWD receives entitlement water from the San Antonio Water Company (SAWCo) and includes groundwater from local adjudicated groundwater basins and surface water within the San Antonio Creek Watershed.¹²⁶ Finally, the MVWD purchases recycled water from the Inland Empire Utilities Agency (IEUA) to supplement its groundwater supply.¹²⁷

On March 28, 2022, the California Governor issued Executive Order N-7-22, which encourages all Californians and water agencies to restrict water usage, recommends urban water suppliers such as the MVWD to implement stage 2 of its Water Shortage Contingency Plan, restricts new and expansion of existing groundwater wells, and promotes projects that facilitate groundwater recharge.¹²⁸ MVWD customers currently are not subject to these restrictions, but are required to comply with restricted uses of drinking water pursuant to District Ordinance 33, which include the following:¹²⁹

- All ratepayers limit outdoor watering to only Tuesdays, Thursdays, and Saturdays between 8 p.m. and 8 a.m.
- All ratepayers repair all leaks within 7 days of discovery.
- No excess runoff from outdoor watering.
- No hosing down driveways, sidewalks, buildings, or parking lots.
- No washing vehicles without a shut-off nozzle.
- No using water in fountains or other water features without recirculation.

¹²⁴ Monte Vista Water District. *Service Area Map*. <https://www.mvwd.org/DocumentCenter/View/985/Map-of-MVWD-Service-Area> (accessed April 18, 2022).

¹²⁵ Monte Vista Water District. *2020 Urban Water Management Plan*. June 2021. Page 6-32. [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.mvwd.org/DocumentCenter/View/350/2020-Urban-Water-Management-Plan-PDF?bidId=](https://www.mvwd.org/DocumentCenter/View/350/2020-Urban-Water-Management-Plan-PDF?bidId=) (accessed July 10, 2022).

¹²⁶ *Ibid.* Pages 3-2 through 3-3.

¹²⁷ *Ibid.* Tables 7-2, 7-3, and 7-4; Page 6-32.

¹²⁸ State of California, Executive Department. *Executive Order N-7-22*. March 28, 2022. <https://www.gov.ca.gov/wp-content/uploads/2022/03/March-2022-Drought-EO.pdf> (accessed July 1, 2022).

¹²⁹ Monte Vista Water District. *Water Supply Shortage Declaration*. <https://www.mvwd.org/374/Water-Supply-Shortage-Declaration> (accessed July 1, 2022).

- All ratepayers not irrigate any landscaping during or within 24 hours following any measurable precipitation.

According to the MVWD Urban Water Management Plant (UWMP), the MVWD anticipates to have sufficient water supplies to meet demand through the year 2045 under normal year, single-dry year, and multiple-dry year conditions.¹³⁰ Additionally, MVWD customer compliance with District Ordinance 33 would further reduce water demands within the Water District. The MVWD models each scenario based on the land use and zoning designations of each local jurisdiction it serves. The Industrial Development Site has a San Bernardino County zoning designation of Single-Family Residential (RS-20M) but is within the City of Chino Sphere of Influence (SOI) and has a land use designation of Light Industrial per the Chino General Plan.¹³¹

According to SCAG's 2020–2045 RTP/SCS, the City's population, households, and employment are forecast to increase by approximately 34,400 residents, 9,900 households, and 7,400 jobs, between 2016 and 2045 and would total approximately 121,300 residents, 33,100 households, and 57,400 jobs by 2045.¹³² However, the City estimated approximately 141,067 residents, 38,814 households, and 83,255 jobs in the City and its Sphere of Influence by 2025,¹³³ which clearly exceed the estimates generated by SCAG for the same time period and through 2045. Since the City's General Plan incorporates existing and anticipated development in the Sphere of Influence when projecting future population, housing, and jobs in the City, the proposed Industrial Development Site and East End Annexation area are already accounted for in the water (groundwater) supply and demand scenarios determined by MVWD.

The Industrial Development Site is underlain by the Chino Groundwater Basin. Recharge within the basin occurs through infiltration of flow from unlined stream channels, and underflow from saturated alluvium and fractures in surrounding mountain bedrock and hills. Pursuant to City General Plan Policies P1 through P3 under Objective PFS-8.1, the proposed industrial development would be required to minimize contaminants to ground and surface waters.¹³⁴ The City also adheres to guidance provided by the Chino Basin Optimum Basin Management Program (OBMP) to enhance its management of the Chino Basin and ensure the protection of water quality and safe yield of the basin.¹³⁵ Although development of the industrial development would substantially increase the impervious surface area of the site, the proposed development would be subject to **Standard Condition HYD-2**, which requires development and implementation of a Final Water Quality Management Plan (FWQMP) to identify BMPs to retain the site's minimum design capture volume and hydromodification volume. Storm water shall be captured on the site such that post-development storm water runoff volume or time of concentration would not exceed pre-development storm water

¹³⁰ *Ibid.* Page 7-8.

¹³¹ City of Chino. General Plan 2025. Land Use Element. *Figure LU-2 General Plan Land Use Designations*. July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

¹³² Southern California Association of Governments (SCAG). 2020. *Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy*. Website: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176 (accessed January 2023).

¹³³ City of Chino. *City of Chino General Plan 2025. Project Description*. Table 3-1 Estimated Development Under the General Plan and Focused Growth Plan. Approved and Adopted July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

¹³⁴ City of Chino. *General Plan Draft Environmental Impact Report*. Pages 4.8-19 through 20 January 25, 2010.

¹³⁵ *Ibid.* Page 4.18-20.

runoff. Additional project design features designed to maximize groundwater infiltration, such as roof downspouts draining into pervious, landscaped areas and maintenance of existing surface flows across the Industrial Development Site into two proposed on-site subterranean infiltration systems would further facilitate groundwater recharge. Periodic maintenance of infiltration systems and landscaped areas during project occupancy and operation shall be in accordance with the schedule outlined in the FWQMP.

East End Annexation: No physical development is proposed on any property within the 53.28-acre East End Annexation area, except for on the 3.59-acre Industrial Development Site. Future development of any property within the 53.28-acre annexation area would be subject to CEQA review and would be required to comply with applicable General Plan policies and develop and implement a FWQMP pursuant to City Municipal Code Chapter 13.25 when site-specific development applications are submitted to the City for those properties. As stated above, the City's General Plan incorporates existing and anticipated development in the Sphere of Influence when projecting future population, housing, and jobs in the City. Therefore, the proposed Industrial Development Site and East End Annexation area are already accounted for in the water (groundwater) supply and demand scenarios determined by MVWD.

Significance Conclusion: Through compliance with applicable General Plan policies and **Standard Condition HYD-2**, the proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that it impedes sustainable groundwater management of the basin. Impacts would be **less than significant**, and mitigation is not required.

- c. **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces in a manner which would:**
- i. **Result in substantial erosion or siltation on or off site;**
 - ii. **Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site;**
 - iii. **Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or**
 - iv. **Impede or redirect flood flows?**

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: Currently, storm water generally sheet flows in a southerly direction and drains off site onto Philadelphia Street and East End Avenue where it flows either west along Philadelphia Street into the concrete San Antonio Creek Channel or south along East End Avenue prior to entering the Municipal storm drain system along East End Avenue north of SR-60.¹³⁶ The proposed industrial development is expected to generally maintain the existing drainage pattern. Upon

¹³⁶ Huitt-Zollars, Inc. *Preliminary Water Quality Management Plan for Philadelphia and East End Industrial*, HZ Project Number R310158.01. Ontario, California. February 24, 2021. (Appendix H1).

development of the site, all on-site storm water would be captured on site in accordance with Santa Ana Regional Water Quality Control Board Order Number R8-2010-0036, National Pollutant Discharge Elimination System Permit No. CAS618036, also known as the Municipal Separate Storm Sewer System or MS4 permit. The runoff would be infiltrated via two subterranean chamber systems located west of the proposed warehouse buildings prior to discharge into the existing 33-inch storm drain at Philadelphia Street at volumes that do not exceed the existing, pre-developed condition.

- i. The majority of the Industrial Development Site consists of pervious surface area. Construction activities for the proposed industrial development would remove the remaining structure and on-site vegetation, consisting primarily of ruderal grasses and trees. These activities would expose surface soils to the potential for wind and water erosion. Pursuant to **Standard Condition HYD-1**, the project applicant would submit the SWPPP to the State Water Resources Control Board via the Stormwater Multiple Application and Report Tracking System (SMARTS) and demonstrate to the City that a Waste Discharge Identification Number is obtained for the proposed project from the SMARTS to ensure the SWPPP includes a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire demolition, grading, and construction period. In addition, the SWPPP shall emphasize structural and nonstructural BMPs to control sediment and non-visible discharges from the site. The SWPPP would include inspection forms for routine monitoring of the site during construction phases to ensure NPDES compliance and that additional BMPs and erosion control measures would be documented in the SWPPP and utilized if necessary. Upon completion of construction and during operation, the Industrial Development Site would be paved and vegetated, which would prevent erosion and siltation of sediments.
- ii. On-site conversion of permeable surfaces to impermeable surfaces could increase storm water runoff rates and/or volume. NPDES regulations require development projects to retain storm water runoff on site at levels that generally do not exceed the existing condition. Pursuant to **Standard Condition HYD-2**, the project applicant shall prepare a Final WQMP that details incorporation of self-treating or self-retaining areas such as landscaped areas of permeable surfaces to the greatest extent practicable and streets/sidewalks/parking lots designed to minimum permitted widths to increase permeable areas. The Final WQMP shall verify the site's minimum DCV of runoff and specify appropriate LID BMPs to ensure post-development storm water runoff volume or time of concentration does not exceed pre-development storm water runoff by more than 5 percent of the 2-year peak flow in accordance with the NPDES MS4 Permit. Periodic maintenance of any required BMPs during occupancy of the industrial development and operation would be in accordance with the schedule outlined in the Final WQMP.

The project-specific SWPPP and WQMP would be reviewed and approved as routine actions during the processing of the proposed industrial development by the City; therefore, the required measures and features detailed in the SWPPP and WQMP to maintain drainage patterns and control the rate and volume of runoff would be incorporated into the proposed industrial development.

- iii. The Clean Water Act (CWA) delegates authority to the states to issue NPDES permits for discharges of storm water from construction, industrial, and municipal entities to Waters of the United States. The purpose of the MS4 permit is to meet the State Water Resources Control

Board's (SWRCB) requirements to mitigate for the negative impact of increases in storm water runoff caused by new development and redevelopment. The industrial development storm water discharge rates cannot exceed the pre-development runoff condition for 2-year 24-hour storm total or the 85th percentile 24-hour storm runoff event by more than 5 percent to be in compliance with the MS4 post-construction and site design requirements.

The Industrial Development Site is over one acre in size and is required to have coverage under the State's General Permit for Construction Activities SWPPP. Pursuant to **Standard Condition HYD-1**, an SWPPP would be prepared and detail BMPs to be implemented during construction to reduce/eliminate adverse water quality impacts resulting from development. All impacts related to runoff during demolition, site preparation, and construction would be addressed through implementation of the SWPPP.

Pursuant to **Standard Condition HYD-2**, the applicant shall prepare a WQMP to address Section 303(d) listed pollutants and retain the Industrial Development Site's minimum DCV. Through implementation of **Standard Condition HYD-2**, BMPs shall be designed and implemented to ensure post-development storm water runoff volume or time of concentration does not exceed pre-development storm water runoff by more than 5 percent of the 2-year peak flow in accordance with the NPDES MS4 Permit. Additional design features, such as roof downspouts draining into pervious, landscaped areas, and maintenance of existing surface flows across the Industrial Development Site into two subterranean infiltration chamber systems, would further maintain the site's existing drainage pattern and prevent additional sources of polluted runoff. Periodic maintenance of the infiltration chamber system and landscaped areas during occupancy of the industrial development and operation shall be in accordance with the schedule outlined in the Final WQMP.

Off-site improvements to infrastructure in the immediate area include curb, gutter, and storm drain swales along the west side of East End Avenue and the north side of Philadelphia Street. Curb, gutter, and drainage swales also would be installed along the site's western frontage in coordination with the adjacent property owner. East End Avenue would be repaved with asphalt concrete to a half-width of 52 feet along the site's frontage.

An Offsite Drainage Study¹³⁷ was prepared for the project to determine the capacity of East End Avenue and Philadelphia Street to carry stormwater per City of Chino standards and specifications, analyze the runoff from upstream properties and determine its effects on the Industrial Development Site, and to identify if runoff conditions upon implementation of the project would warrant updates to the Master Plan of Drainage for the area (refer to Appendix H3). The drainage study area under evaluation consisted of approximately 56 acres primarily along East End Avenue from the Industrial Development Site north to Phillips Boulevard, as well as a portion of residential area adjacent to East End Avenue comprised of Sullivan Ranch. The Offsite Drainage Study determined runoff from upstream properties sheet flows either directly into the San Antonio Creek Channel or onto East End Avenue.¹³⁸

¹³⁷ Huitt-Zollars. *PL20-0004 – Preliminary Offsite Drainage Study*. January 2, 2023. (Appendix H3).

¹³⁸ *Ibid.* Page 3.

The street and surface flows were calculated and analyzed for hydraulic feasibility. The Offsite Drainage Study determined there is no immediate need for upstream catch basins or storm drainpipe to dewater East End Avenue, and the runoff along Philadelphia Street within the drainage study area is contained within the public right of way via a combination of flow pipes and surface flow.¹³⁹ As stated previously, any overflow from the underground detention systems proposed on the Industrial Development Site would be routed to the existing 33-inch storm drainpipe at Philadelphia Street prior to draining into the concrete San Antonio Creek Channel at volumes that do not exceed the existing, pre-developed condition.¹⁴⁰ The existing 33-inch storm drainpipe at Philadelphia Street was evaluated for maximum capacity and determined to potentially be inadequate for larger storm events, during which ponding could occur at the east grate and spill over the crown of Philadelphia Street and continue south on East End Avenue. However, the ponding would not adversely affect East End Avenue or the Industrial Development Site because the crown of Philadelphia Street is less than one foot above the grate elevation.¹⁴¹

New curb and gutter is proposed along the Industrial Development Site frontage of East End Avenue and Philadelphia Street to protect the site from runoff, and the depth of flow in East End Avenue is expected to be below the top of curb during a 100-year frequency storm event.¹⁴² Furthermore, there is no runoff tributary to Philadelphia Street along the project frontage, as a high point on Philadelphia Street midway between East End Avenue and the San Antonio Creek Channel would result in minimal runoff in the proposed gutter along the Industrial Development Site's frontage with Philadelphia Street. Through project design, overflow from the underground detention systems proposed on the Industrial Development Site would be routed to the existing 33-inch storm drainpipe at Philadelphia Street prior to draining into the concrete San Antonio Creek Channel, so the Industrial Development Site would no longer contribute runoff to the Philadelphia Street/East End Avenue intersection. Through implementation of **Standard Condition HYD-2**, post-development storm water runoff volume or time of concentration would not exceed pre-development storm water runoff by more than 5 percent of the 2-year peak flow in accordance with the NPDES MS4 Permit, and runoff in excess of the existing 33-inch storm drainpipe capacity would pond at the northeast corner of the intersection and sheet flow across the crown of Philadelphia Street and continue south on East End Avenue, which has adequate capacity for conveyance. Therefore, a Master Plan of Drainage update is not required, and storm drain infrastructure necessary to ensure adequate storm water drainage capacity would be limited to the Industrial Development Site and its frontage along East End Avenue and Philadelphia Street.

All storm drain infrastructure would be constructed to specifications detailed in Chapter 19.07 (Subdivision, Improvements, Dedications, and In-Lieu Fees), Chapter 13.20 (Wastewater Discharge Regulations), Chapter 13.24 (Storm Drains), and Chapter 13.25 (Stormwater Drainage System Regulations) of the City Municipal Code. The City Public Works Department would review

¹³⁹ *Ibid.* Page 2.

¹⁴⁰ Huitt-Zollars, Inc. *Preliminary Water Quality Management Plan for Philadelphia and East End Industrial*, HZ Project Number R310158.01. Ontario, California. February 24, 2021. (Appendix H1). Page 3-1.

¹⁴¹ Huitt-Zollars. *PL20-0004 – Preliminary Offsite Drainage Study*. January 2, 2023. (Appendix H3). Page 3.

¹⁴² *Ibid.*

the proposed storm drain improvements as part of the routine plan check process required by the City to ensure adequate capacity. Figure 6 details the infrastructure and off-site improvements.

BMPs to mitigate the pollutants of concern would treat the flow prior to discharge to the Municipal storm drain system. The storm water from Industrial Development Site would be conveyed to two on-site infiltration chamber systems west of the proposed warehouse buildings in accordance with **Standard Condition HYD-2**. Any sources of storm water pollution would be addressed through adherence to NPDES permit requirements. Compliance with **Standard Conditions HYD-1** and **HYD-2** would ensure polluted runoff during demolition, site preparation, and construction would be addressed by the SWPPP, and post-development storm water runoff volume or time of concentration would not exceed pre-development conditions by more than 5 percent of the 2-year peak flow.

- iv. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Nos. 06071C8615H the Industrial Development Site is located in Zone X (Other Areas), which is defined as an area determined to be outside the 0.2 percent annual chance floodplain.¹⁴³ Currently, storm water generally sheet flows in a southerly direction and drains off site onto Philadelphia Street and East End Avenue where it flows either west along Philadelphia Street into the concrete San Antonio Creek Channel or south along East End Avenue prior to entering the Municipal storm drain system along East End Avenue north of SR-60. Upon development of the industrial development, on-site storm water would flow toward the subterranean infiltration systems west of the proposed warehouse buildings. The site's DCV would be captured so that storm water runoff volume and time of concentration would not exceed pre-development conditions by more than 5 percent of the 2-year peak flow in accordance with the NPDES MS4 Permit prior to discharge into the existing 33-inch storm drain at Philadelphia Street (refer to the discussion in Section 3.10(c)(iii) above).

East End Annexation (i-iv): Portions of the annexation area along the concrete San Antonio Creek Channel are designated Zone A (special flood hazard area subject to inundation by the 1 percent annual chance of flood), which is identified by FEMA as having a 1 percent annual chance flood discharge contained in channel.¹⁴⁴ Although no physical development is proposed on any property within the 53.28-acre East End Annexation area, except for on the 3.59-acre Industrial Development Site, future development of any property within the 53.28-acre annexation area identified by FEMA to be within a flood zone must occur in accordance with National Flood Insurance Program (NFIP) Section 60.3 as a matter of regulatory policy. For example, compliance with NFIP Section 60.3(d) requires a developer to obtain a FEMA permit for a Floodway Encroachment for construction in flood zones indicating the lowest floor (including basement) must be built above a base flood elevation (BFE).¹⁴⁵ Furthermore, the Cobey-Alquist Flood Management Act (Sections 8000–9651 of the California Water Code) states that a large portion of land resources of the State of California is subject to recurrent flooding. The public interest necessitates sound development of land use, as land is a

¹⁴³ Federal Emergency Management Agency. *Flood Insurance Rate Map Nos. 06071C8615H*. <https://msc.fema.gov/portal/search?AddressQuery=highland%2C%20california?AddressQuery=highland%2C%20california#searchresultsanchor> (accessed July 11, 2022).

¹⁴⁴ *Ibid.*

¹⁴⁵ The Base Flood Elevation in a Special Flood Hazard Area is the water-surface elevation of the 1 percent annual chance flood.

limited, valuable, and irreplaceable resource, and the floodplains of the State are a land resource to be developed in a manner that, in conjunction with economically justified structural measures for flood control, would result in prevention of loss of life and of economic loss caused by excessive flooding. The primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish floodplain management rests with local levels of government. It is policy of the State of California to encourage local government to plan land use regulations to accomplish floodplain management and to provide State assistance and guidance. As part of its discretionary review process, the City must determine how the project would comply with this Act and not create flooding impacts on new occupied land uses. In addition, California Civil Code Section 1103 requires notification to those potentially affected of the risk involved in locating within a special flood hazard area (any type Zone "A" or "V") designated by FEMA or an area of potential flooding shown on an inundation map prepared pursuant to Section 6161 of the Water Code.

These aforementioned federal and State regulations serve to reduce the risk to life and damage to property from development within flood-prone areas. Compliance with the NFIP Reform Act, NFIP Section 60.3, and California Civil Code Section 1103 are regulatory requirements implemented as a routine action by the City in accordance with Sections 8000–9651 of the California Water Code in order to address the potential for future development or redevelopment within the East End Annexation area to impede or redirect flood flows and ensure floodplain management pursuant to federal and State law. Additionally, future development or redevelopment within the East End Annexation area would be required to comply with the NPDES MS4 Permit as applicable, up to and including preparation of site-specific SWPPPs and WQMPs when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Compliance with construction- and operation-phase storm water requirements, as set forth in **Standard Conditions HYD-1** and **HYD-2**, would ensure post-development storm water runoff volume would not exceed the existing, pre-developed condition. Therefore, the project would not result in substantial erosion or siltation on or off site; substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site; create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. Impacts would be **less than significant**, and mitigation is not required.

d. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: According to the City's Local Hazard Mitigation Plan, the Industrial Development Site is not located in flood hazard or inundation zones,¹⁴⁶ and the site is not located near bodies of water or enclosed water storage features that could result in tsunamis or seiches.

¹⁴⁶ City of Chino. *Local Hazard Mitigation Plan*. Figure 4-4: Flood Hazard Map and Figure 4-6: Prado Dam Inundation Map. Approved and Adopted May 15, 2018.

East End Annexation: No physical development is proposed on any property within the 53.28-acre East End Annexation area, except for on the 3.59-acre Industrial Development Site. In addition, the annexation area is not within flood hazard or inundation zones.¹⁴⁷ Future development of any property within the 53.28-acre annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Based on the discussion and analysis above, impacts would be **less than significant**, and mitigation is not required.

e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: Please refer to the discussion presented in Sections 3.10, Thresholds a and b. **Standard Conditions HYD-1** and **HYD-2** would ensure development of the Industrial Development Site would not substantially degrade surface or groundwater quality, inhibit groundwater recharge potential, or substantially deplete groundwater supplies. Therefore, the industrial development would not conflict with any applicable water quality control plan or sustainable groundwater management plan.

East End Annexation: No physical development is proposed on any property within the 53.28-acre East End Annexation area, except on the 3.59-acre Industrial Development Site. Future development of any property within the 53.28-acre annexation area would be subject to CEQA review and would be required to demonstrate consistency with applicable water quality control plans or sustainable groundwater management plans when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Through implementation of **Standard Conditions HYD-1** and **HYD-2**, impacts would be reduced to **less than significant**. Mitigation is not required.

¹⁴⁷ *Ibid.*

3.11 LAND USE AND PLANNING

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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"/>

a. Physically divide an established community?

No Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site is situated adjacent to East End Avenue to the east, Philadelphia Street to the south, industrial development to the north, and a single-family residence to the west. Under existing conditions, East End Avenue already creates a physical barrier between the residential uses to the east and the single-family residence to the west of the Industrial Development Site (Figure 2).

East End Annexation: The East End Annexation area is already developed with industrial uses and contains one residential property (APN 1013-521-05). The outlier residential property would physically remain residential but be subject to a zone change in order to conform to the City's existing General Plan land use designation of Light Industrial for the property and overall East End Annexation area. Additionally, the majority of parcels composing the East End Annexation area are bounded by East End Avenue to the east, which already creates a physical barrier between the East End Annexation area and residential uses to the east.

Significance Conclusion: The majority of parcels composing the 56.87-acre East End Annexation area, which includes the 3.59-acre Industrial Development Site, are separated from residential uses to the east by East End Avenue. Therefore, **no impact** would occur to an established community in the project site vicinity from implementation of the proposed project. Mitigation is not required.

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?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site has a San Bernardino County zoning designation of Single-Family Residential (RS-20M) but is within the City of Chino Sphere of Influence and has a land use designation of Light Industrial per the Chino General Plan. Accordingly, the development of the Industrial Development Site would include a zone change of the Industrial Development Site from Single-Family Residential (RS-20M) to Light Industrial (M1) as a municipal exercise to achieve consistency of land use development in accordance with the City of Chino's

existing General Plan Light Industrial land use designation of the site (refer to Table 2.2.A: Existing and Proposed Zoning). The City General Plan indicates the Light Industrial land use designation allows for industrial uses with fewer impacts on traffic, noise, odors, and pollutants with a maximum floor-to-area ratio (FAR) of 0.6.¹⁴⁸ Section No. 20.07.020 of the City Zoning Code indicates the Light Industrial (M-1) Zoning District is an industrial zoning district that accommodates manufacturing uses considered light in nature by reason of its size, activity, and performance characteristics.

Development proposed on the Industrial Development Site includes construction of three industrial buildings totaling 63,900 square feet, of which approximately 9,000 square feet would be office space and approximately 4,000 square feet would be mezzanine space with a FAR of approximately 0.41. Therefore, the proposed development of the Industrial Development Site is consistent with the types of land uses anticipated in the City's General Plan and Zoning Code. Furthermore, the City estimated approximately 141,067 residents, 38,814 households, and 83,255 jobs in the City and its Sphere of Influence by 2025,¹⁴⁹ which exceed the estimates generated by SCAG for the same time period and through 2045 (According to SCAG's 2020–2045 RTP/SCS, the City's population, households, and employment would total approximately 121,300 residents, 33,100 households, and 57,400 jobs by 2045¹⁵⁰). Since the City's General Plan incorporates existing and anticipated development in the Sphere of Influence when projecting future population, housing, and jobs in the City, the proposed Industrial Development Site and East End Annexation area are already accounted for in the projections in the 2022 AQMP for future development in the City of Chino. As detailed throughout this Initial Study, impacts to the environment resulting from development of the Industrial Development Site are subject to applicable mitigation and local, State, and/or federal regulations, which would render the development consistent with the ONTLUCP and the Santa Ana RWQCB Basin Plan.

East End Annexation: The 53.28-acre East End Annexation area (not including the 3.59-acre Industrial Development Site) would include a zone change from San Bernardino County zoning designations Regional Industrial (IR), Community Industrial (IC), and Single-Family Residential (RS-20M) to City of Chino zoning designation Light Industrial (M1) and General Industrial (M2) (refer to Table 2.2.A: Existing and Proposed Zoning). The Chino General Plan designation for the overall annexation area is Light Industrial (LI) and General Industrial (GI). Parcels within the 53.28-acre annexation area are already developed primarily with industrial uses, rendering existing industrial development on these parcels consistent with the City's land use and zoning designations within annexation area. As stated above, the land use intensity of the East End Annexation area developed with industrial uses has been incorporated in the buildout horizon of the Chino General Plan.¹⁵¹ The outlier residential property

¹⁴⁸ City of Chino. General Plan 2025. Land Use Element. Page LU-15. July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed June 8, 2022).

¹⁴⁹ City of Chino. *City of Chino General Plan 2025. Project Description*. Table 3-1 Estimated Development Under the General Plan and Focused Growth Plan. Approved and Adopted July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

¹⁵⁰ Southern California Association of Governments (SCAG). 2020. *Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy*. Website: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176 (accessed January 2023).

¹⁵¹ City of Chino. *City of Chino General Plan 2025. Project Description*. Table 3-1 Estimated Development Under the General Plan and Focused Growth Plan. Approved and Adopted July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

(APN 1013-521-05) would physically remain residential but be subject to a zone change in order to conform to the City's existing General Plan land use designation of Light Industrial for the property and overall East End Annexation area. Additionally, future development of any property within the 53.28 acres of the annexation area would be subject to CEQA review and would be required to demonstrate consistency with applicable land use plans, policies or regulations when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: The proposed project is consistent with the types of land uses anticipated in the City's General Plan and Zoning Code. Additionally, the project is consistent with the 2022 AQMP, ONTLUCP, and the Santa Ana RWQCB Basin Plan. Therefore, impacts related to conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect are **less than significant**. No additional mitigation is required.

3.12 MINERAL RESOURCES

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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?

And

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 plans?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site is located within Mineral Resource Zone 3 (MRZ-3)¹⁵², which is defined as an area where the potential for mineral resources exists, but there is insufficient data to determine whether these mineral deposits are significant.¹⁵³

The Industrial Development Site comprises 3.59 acres of mostly undeveloped land, except for one abandoned structure. The site is surrounded by residential development to the east and industrial development to the north, west, and south. Additionally, one residential property is located adjacent to the southwest corner of the Industrial Development Site property. The Industrial Development Site is designated Light Industrial in the City's General Plan¹⁵⁴ and would include a zone change from the San Bernardino County zoning designation of Single-Family Residential (RS-20M) to Light Industrial (M1) once the property is annexed into the City of Chino. The City General Plan indicates the Light Industrial land use designation allows for industrial uses with fewer impacts on traffic, noise, odors, and pollutants.¹⁵⁵ Section No. 20.07.020 of the City Zoning Code indicates the Light Industrial (M-1) Zoning District is an industrial zoning district that accommodates manufacturing uses considered light in nature by reason of its size, activity, and performance characteristics.

¹⁵² City of Chino. General Plan 2025. Open Space and Conservation Element. *Figure OSC-3, Mineral Resource Zones*. July 2010. <https://cityofchino.org/DocumentCenter/View/403/Chino-General-Plan---09-Open-Space-and-Conservation-PDF> (accessed June 8, 2022).

¹⁵³ *Ibid.* Page OSC-14.

¹⁵⁴ City of Chino. General Plan 2025. Land Use Element. *Figure LU-2 General Plan Land Use Designations*. July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

¹⁵⁵ *Ibid.* Page LU-15.

Mineral resources extraction is not a use compatible with the existing on-site and surrounding land uses, nor is the site sufficient in size or location to support productive or cost-effective mineral extraction. Additionally, the site and vicinity are not considered a State-designated mineral resource extraction zone.

East End Annexation: The East End Annexation area is located within MRZ-3,¹⁵⁶ which as discussed above, is defined as an area where the probability of mineral resources exists, however the significance of mineral resources is unknown. Additionally, the East End Annexation area is not considered a State-designated mineral resource extraction zone. The majority of parcels composing the East End Annexation area are already developed with industrial uses and zoned accordingly (refer to Table 2.2.A). The outlier residential property (APN 1013-521-05) would physically remain residential but be subject to a zone change in order to conform to the City's existing General Plan land use designation of Light Industrial for the property and overall East End Annexation area. None of the parcels composing the East End Annexation area are zoned or otherwise designated for uses that would be compatible with mineral resource mining.

Significance Conclusion: Mineral resources extraction would conflict with the purpose and scope of the General Plan and Zoning District for the project site. Therefore, impacts from the loss of available mineral resources would be **less than significant**. Mitigation is not required.

¹⁵⁶ City of Chino. General Plan 2025. Open Space and Conservation Element. *Figure OSC-3, Mineral Resource Zones*. July 2010. <https://cityofchino.org/DocumentCenter/View/403/Chino-General-Plan---09-Open-Space-and-Conservation-PDF> (accessed June 8, 2022).

3.13 NOISE

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Result in generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, 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"/>

- a. Result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Less than Significant with Mitigation Incorporated

Discussion of Effect: The following analysis is based on a Noise and Vibration Impact Analysis prepared for the proposed project (Appendix I).¹⁵⁷

Industrial Development Site: The Industrial Development Site is part of the East End Annexation area that would be incorporated into the City of Chino as part of the project. Accordingly, standards against which substantial temporary or permanent increases in ambient noise levels are evaluated are based on City of Chino Municipal Code and General Plan policies. However, select off-site uses adjacent to the project site would still be located in unincorporated San Bernardino County upon implementation of the project. Therefore, project-generated noise levels have been evaluated pursuant to the Chino Municipal Code and General Plan policies for receptors in Chino and pursuant to the San Bernardino County Noise Control Ordinance for receptors in unincorporated San Bernardino County.

The nearest sensitive receptors is a single-family residential property (APN 1013-521-05) adjacent to the west of the Industrial Development Site (part of the East End Annexation area and therefore subject to City of Chino noise standards), single-family residential properties (APNs 1016-011-02 and -03) across Philadelphia Street to the south of the Industrial Development Site (part of the East End Annexation area and therefore subject to City of Chino noise standards), and single-family residential properties (APNs 0103-501-12, -13, and -14) across East End Avenue to the east of the Industrial

¹⁵⁷ LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. June 2023. (Appendix I).

Development Site (these receptors would remain within San Bernardino County and therefore are subject to County noise standards¹⁵⁸).

Chino General Plan Noise Element Standards: The City's General Plan Noise Element¹⁵⁹ lists objectives and policies for development projects to achieve the City's noise-related interior and exterior noise standards of 45 a-weighted decibels (dBA) for interior occupancy¹⁶⁰ with windows closed and 65 dBA for exterior occupancy.¹⁶¹ The following are the applicable Chino General Plan goals, objectives, and policies for the proposed project:

Goal N-1: Protect Chino Residents from excessive noise.

Objective N-1.1: Ensure appropriate exterior and interior noise levels for existing and new land uses.

P1. The City shall not locate noise-sensitive land uses (schools, medical centers and hospitals, senior centers, and residences) in areas with noise levels that exceed those considered normally acceptable for each land use unless measures can be implemented to reduce noise to acceptable levels

P2. The City shall require measures to ensure noise-sensitive uses have appropriate interior noise environments when located in areas adjacent to major noise generators.

P3. The City shall require measures that attenuate exterior and/or interior noise levels to acceptable levels to be incorporated into all development projects where current and/or future noise levels may be unacceptable.

P4. The City shall require a noise impact study to evaluate impacts of projects that may exceed 65 L_{dn} as part of the design review process.

P5. The City shall require an acoustical study for all new residential developments that lie within the 65 L_{dn} noise contour on the Future Noise Contour Map, to ensure indoor levels would not exceed City standards. In addition, the City shall continue to enforce the California Building Code for indoor noise levels.

P6. The City shall only approve projects which comply with adopted noise standards or meet the provisions of the California Environmental Quality Act.

¹⁵⁸ Although properties that would remain in San Bernardino County upon implementation of the project would be subject to County noise standards, they are evaluated for construction noise using the City of Chino construction noise standard for a conservative analysis since temporary construction, maintenance, repair, or demolition activities to between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays and federal holidays, are exempt from noise limit thresholds pursuant to Section 83.01.080(g)(3) of the County Code.

¹⁵⁹ City of Chino. *City of Chino General Plan 2025. Noise Element*. Table N-3. July 2010.

¹⁶⁰ Indoor environment excluding: bathrooms, toilets, closets, corridors.

¹⁶¹ Outdoor environment limited to private yard of single-family or multi-family private patio or balcony which is served by a means of exit from inside, mobile home park, hospital patio, park's picnic area, school's playground, and hotel and motel recreation area.

P7. The City shall require noise reduction features to be used in the site planning process for new projects where current and/or future noise levels may be unacceptable. The focus of these efforts shall be site design techniques, so long as they do not conflict with the goals of the Community Character Element. Techniques include:

1. Designing landscaped building setbacks to serve as a buffer between the noise source and receptor.
2. Placing noise-tolerant land uses such as parking lots, maintenance facilities, and utility areas between the noise source and receptor.
3. Orienting buildings to shield noise-sensitive outdoor spaces from a noise source.
4. Locating bedrooms or balconies on the sides of buildings facing away from noise sources.
5. Utilizing noise barriers (e.g., fences, walls, or landscaped berms) to reduce adverse noise levels in noise-sensitive outdoor activity areas.

Objective N-1.3: Control sources of construction noise

P1. The City shall require a noise monitoring plan to be prepared and submitted prior to starting all construction projects. The noise monitoring plan shall identify monitoring locations and frequency, instrumentation to be used, and appropriate noise control measures that would be incorporated.

P2. The City shall limit all construction in the vicinity of noise sensitive land uses, such as residences, hospitals, or senior centers, to daylight hours or 7:00 a.m. to 7:00 p.m. In addition, the following construction noise control measures shall be included as requirements at construction sites to minimize construction noise impacts:

1. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
2. Ensure that during construction, trucks and equipment are running only when necessary.
3. Shield all construction equipment with temporary noise barriers to reduce construction-related noise impacts.
4. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
5. Utilize “quiet” air compressors and similar equipment, where available.

P3. The City shall evaluate new development projects for potential construction related noise impacts.

Chino Noise Control Ordinance: Chapter 9.40.040 of the City’s Municipal Code establishes daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) exterior noise standards for residential land uses, as detailed in Table 3.13.A below.

Table 3.13.A: Exterior Noise Ordinance Standards

Maximum Time of Exposure	Noise Level Not To Exceed	
	Daytime (7:00 a.m. – 10:00 p.m.)	Nighttime (10:00 p.m. – 7:00 a.m.)
30 minutes/hour (L_{50}) ¹	55 dBA	50 dBA
15 minutes/hour (L_{25}) ²	60 dBA	55 dBA
5 minutes/hour ($L_{8.3}$) ³	65 dBA	60 dBA
1 minute/hour ($L_{1.7}$) ⁴	70 dBA	65 dBA
Any period of time (L_{max}) ⁵	75 dBA	70 dBA

Source: LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Table E. June 2023. (Appendix I).

Note: Each of the noise limits specified here shall be reduced by 5 dBA for impulse or simple tone noises, or for noises consisting of speech or music; provided, however, that if the ambient noise level exceeds the resulting standard, the ambient shall be the standard. In the event the ambient noise level exceeds any of the first four noise limit categories above, the cumulative period applicable to said category shall be increased to reflect said ambient noise level. In the event the ambient noise level exceeds the fifth noise category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level. If the measurement location is on boundary between two different noise zones, the lower noise level standard applicable to the noise zone shall apply.

¹ The noise standard for a cumulative period of more than 30 minutes in any hour.

² The noise standard plus 5 dBA for a cumulative period of more than 15 minutes in any hour.

³ The noise standard plus 10 dBA for a cumulative period of more than 5 minutes in any hour.

⁴ The noise standard plus 15 dBA for a cumulative period of more than 1 minute in any hour.

⁵ The noise standard plus 20 dBA for any period of time.

dBA = A-weighted decibels

Unless otherwise specifically indicated, the standards in Table 3.13.A shall apply to all residential property with a designated noise zone and are prescribed in terms of allowable noise levels for a given period of time at the residential property boundary. Higher noise levels are permitted during the day (7:00 a.m. to 10:00 p.m.) than during the night (10:00 p.m. to 7:00 a.m.).

Section 9.40.060 of the City's Municipal Code exempts noise sources associated with, or vibration created by, construction, repair, remodeling or grading of any real property or during authorized seismic surveys, provided said activities do not take place outside the hours for construction as defined in Section 15.44.030 of this Code, and provided the noise standard of 65 dBA plus the limits specified in Section 9.40.040(B)¹⁶² as measured on residential property and any vibration created do not endanger the public health, welfare, and safety.

Section 15.44.030(A) of the City's Municipal Code states construction shall occur only between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday, with no construction allowed on Sundays and federal holidays. For the purposes of this section, construction shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, streets and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations, or pile driving.

Section 9.40.080 of the City's Municipal Code limits noise generated from air conditioning or a refrigeration system to 5 dBA above the noise standards in Table 3.13.A.

San Bernardino County Noise Control Ordinance: Section 83.01.080(g)(3) of the County Code limits temporary construction, maintenance, repair, or demolition activities to between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays and federal holidays. Construction activities that occur within

¹⁶² The noise standard plus 5 dBA for a cumulative period of more than 15 minutes in any hour.

these timeframes are exempt from noise limit thresholds pursuant to Section 83.01.080(g)(3) of the County Code.

Section 83.01.080(c) of the County of San Bernardino (County) Development Code establishes the noise standards for stationary noise sources that affect adjacent properties. Table 3.13.B provides the County's noise standards based on the affected land use and the time period. The noise metric used for stationary sources is defined as noise levels that cannot be exceeded for certain percentages of time, or L_n . In addition, Section 83.01.080(d) of the County Development Code establishes interior and exterior noise standards for mobile noise sources for various land use categories. Table 3.13.B also provides the County's interior and exterior noise standards for mobile noise sources for each land use category.

Table 3.13.B: County of San Bernardino Stationary and Mobile Noise Standards

Stationary Noise Standards						
Affected Land Use (Receiving Noise)	Time Period	L_{50} (30 min)	L_{25} (15 min)	L_8 (5 min)	L_2 (1 min)	L_{max} (Anytime)
Residential	7:00 a.m. to 10:00 p.m.	55	60	65	70	75
	10:00 p.m. to 7:00 a.m.	45	50	55	60	65
Professional Services	Anytime	55	60	65	70	75
Other Commercial	Anytime	60	65	70	75	80
Industrial	Anytime	70	75	80	85	90

Source: LSA. Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project. Table F. June 2023. (Appendix I).

Mobile Noise Standards			
Land Use		dBA L_{dn} or CNEL	
Categories	Uses	Interior	Exterior
Residential	Single and multi-family, duplex, mobile homes	45 ¹	60 ²
Commercial	Hotel, motel, transient housing	45	60 ³
	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
Institution/Public	Hospital, nursing home, school classroom, religious institution, library	45	65
Open Space	Park	N/A	65

Source: LSA. Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project. Table G. June 2023. (Appendix I).

¹ The indoor environment shall exclude bathrooms, kitchens, toilets, closets, and corridors.

² The outdoor environment shall be limited to: hospital/office building patios, hotel and motel recreation areas, mobile home parks, multi-family private patios or balconies, park picnic areas, private yard of single-family dwellings, and school playgrounds.

³ An exterior noise level of up to 65 dBA (L_{dn} or CNEL) shall be allowed provided exterior noise levels have been substantially mitigated through a reasonable application of the best available noise reduction technology, and interior noise exposure does not exceed 45 dBA (L_{dn} 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

dBA = A-weighted decibel

Existing Ambient Noise Levels: To establish baseline conditions, two short-term 20-minute noise level measurements (ST-1 and ST-2) and three long-term (24-hour) noise level measurements (LT-1, LT-2, and LT-3) were conducted between August 2, 2022, and August 4, 2022, in the vicinity of the project site. Additionally, the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction

Model¹⁶³ was used to evaluate traffic-related noise conditions along roadway segments in the project vicinity.

Table 3.13.C shows the results of the short-term measurements along with a description of the measurement location and noise sources that occurred during the measurements. The measured average noise levels in the project vicinity ranged from 62.4 to 67.1 dBA equivalent continuous sound level (L_{eq}), and the measured maximum noise levels ranged from 73.3 to 82.7 dBA maximum instantaneous noise level (L_{max}). Figure 3 in Appendix I shows the short-term monitoring locations.

Table 3.13.C: Short-Term Ambient Noise Monitoring Results

Monitoring No	Location	Date	Start Time	Duration (minutes)	Noise Level (dBA)			Noise Source(s)
					L_{eq}	L_{max}	L_{min}	
ST-1	Near 3702 Calaveras Court. Just outside of the backyard's retaining wall facing Philadelphia Street and East End Avenue.	8/2/22	11:57 a.m.	20	67.1	82.7	50.7	Traffic noise on Philadelphia Street and East End Avenue. Noise from trucks passing by.
ST-2	Located on the northwest corner of the project site. Near a chain-link fence.	8/2/22	11:13 a.m.	20	62.4	73.3	53.6	Noise from industrial activities such as hammering and forklifts.

Source: LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Table H. June 2023. (Appendix I).

dBA = A-weighted decibels

ft = foot/feet

L_{eq} = equivalent continuous sound level

L_{max} = maximum instantaneous noise level

L_{min} = minimum instantaneous noise level

Table 3.13.D shows the calculated day-night average noise level (L_{dn}) from the long-term noise level measurements. The measured L_{dn} is 71.1 dBA at LT-1, 70.7 dBA at LT-2, and 70.1 dBA at LT-3. Figure 3 in Appendix I shows the long-term monitoring locations.

¹⁶³ United States Department of Transportation, Federal Highway Administration. *FHWA Highway Traffic Noise Prediction Model*. December 1978.

Table 3.13.D: Long-Term Ambient Noise Monitoring Results

Monitoring No	Location	Noise Level (dBA)					Noise Source(s)
		Daytime		Nighttime		L _{dn}	
		L _{eq}	L _{max}	L _{eq}	L _{max}		
LT-1	Southwest corner of the project site on a powerline pole. Just east of 3638 Philadelphia Street.	64.2-68.4 (67.3) ¹	81.8-87.9	58.0-66.6 (63.1) ²	76.1-88.3	71.1	Traffic on Philadelphia Street. Faint noise from forklift activity.
LT-2	3643 Philadelphia Street. In the front yard on the tree.	63.4-69.0 (66.6) ¹	79.2-93.3	57.1-65.8 (62.7) ²	74.9-88.7	70.7	Traffic on Philadelphia Street.
LT-3	12027 East End Avenue. In the front yard of the single-family residence on the tree.	60.9-68.1 (67.3) ¹	79.2-88.4	54.8-66.4 (61.8) ²	76.0-84.2	70.1	Traffic on East End Avenue.

Source: LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Table L. June 2023. (Appendix I).

¹ Average daytime noise level.

² Average nighttime noise level.

CNEL = Community Noise Equivalent Level

dBA = A-weighted decibels

ft = foot/feet

L_{eq} = equivalent continuous sound level

L_{max} = maximum instantaneous noise level

The FHWA Highway Traffic Noise Prediction Model requires various parameters, including traffic volumes, vehicle mix, vehicle speed, and roadway geometry, to compute typical equivalent noise levels during daytime, evening, and nighttime hours.¹⁶⁴ The resulting noise levels are weighted and summed over 24-hour periods to determine the community noise equivalent level (CNEL) values. Existing average daily traffic (ADT) volumes and the vehicle mix for each roadway in the project area were obtained from the *Supplemental Traffic Impact Analysis for the Proposed Philadelphia Street Industrial Center Project*.¹⁶⁵ Table 3.13.E lists the existing traffic noise levels on roadways in the project area. These noise levels represent the worst-case scenario, which assumes that no shielding is provided between traffic and the location where the noise contours are drawn.

¹⁶⁴ United States Department of Transportation, Federal Highway Administration. *FHWA Highway Traffic Noise Prediction Model*. December 1978.

¹⁶⁵ Linscott, Law & Greenspan Engineers (LLG). *Supplemental Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. June 20, 2023 (Appendix B2).

Table 3.13.E: Existing Traffic Noise Levels

Roadway Segment	ADT	Centerline to 70 dBA CNEL (ft)	Centerline To 65 dBA CNEL (ft)	Centerline To 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from the Centerline of the Outermost Lane
East End Avenue North of Philadelphia Street	7,889	59	126	272	70.3
East End Avenue South of Philadelphia Street	8,579	52	111	238	69.5
Philadelphia Street West of East End Avenue	6,884	< 50	53	113	64.6
Philadelphia Street East of East End Avenue	6,963	< 50	69	148	66.4

Source: LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Table M. June 2023. (Appendix I).

ADT = average daily traffic

dBA = A-weighted decibels

CNEL = Community Noise Equivalent Level

ft = foot/feet

Construction (Short-Term) Noise: Two types of short-term noise impacts could occur during project construction. The first type of impact could result from construction crew commutes and the transport of construction equipment and materials to the project site and would incrementally raise noise levels on access roads leading to the site. The second type of impact could result from noise generated during demolition, excavation, grading, and building erection on the site. Project-generated construction noise would vary depending on the phase of construction, construction process, type of equipment involved, location of the construction site with respect to sensitive receptors, the schedule proposed to carry out each task (e.g., hours and days of the week) and the duration of the construction work. Noise impacts from construction activities are analyzed based on the sensitive receptors closest to the site.

Construction crew commutes and the transport of construction equipment and materials to the site would incrementally increase noise levels on roadways leading to the site. The pieces of construction equipment for construction activities would move on site, remain for the duration of each construction phase, and would not add to the daily traffic volume in the project vicinity. Although there would be a relatively high single-event noise exposure potential causing intermittent noise nuisance (passing trucks at 50 feet would generate up to a maximum of 84 dBA), the effect on longer-term ambient noise levels would be small because the number of daily construction-related vehicle trips is small compared to existing daily traffic volumes in the project vicinity.

Each doubling of the sound sources with equal strength increases the noise level by 3 dBA.¹⁶⁶ Therefore, traffic volumes on East End Avenue or Philadelphia Street would have to double for there to be a discernable increase of 3 dBA along the roadway. The building construction phase would generate the most trips out of all of the construction phases, at 75 trips per day based on the results of the California Emissions Estimator Model in Appendix A. Roadways that would be used to access the project site are Philadelphia Street and East End Avenue. Philadelphia Street and East End Avenue

¹⁶⁶ California Department of Transportation. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. Pages 2-11 through 2-18. September 2013.

have estimated existing daily traffic volumes of 6,884 and 7,889, respectively, near the project site.¹⁶⁷ Based on the maximum daily trips generated by project construction activities, project construction-related traffic would increase noise by up to 0.05 dBA.¹⁶⁸ Since a noise level increase of less than 3 dBA would not be perceptible to the human ear in an outdoor environment,¹⁶⁹ construction-related traffic would not substantially increase noise in the vicinity of the project site. No short-term, construction-related impacts associated with worker commutes and transport of construction equipment and material to the project site would occur.

The second type of short-term noise impact is related noise generated from construction activities required to develop the project site. These activities include demolition, site preparation, grading, building construction, paving, and architectural coating phases of construction. Construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases change the character of the noise generated on a project site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

Project construction would require the use of both mobile and stationary equipment. Mobile construction equipment during the noisiest construction phase for the proposed project is expected to require the simultaneous use of graders, bulldozers, and water trucks/pickup trucks. Typical noise levels range up to 88 dBA L_{max} at 50 feet during the noisiest construction phases.¹⁷⁰ The site preparation and grading phase tends to generate the highest noise levels because the noisiest construction equipment is earthmoving equipment, such as graders and bulldozers. For the purposes of evaluating construction noise on the nearest off-site sensitive receptors, distances between the active construction area and the nearest off-site sensitive receptors are measured from a general area near the center of the construction site since construction activity would occur throughout the Industrial Development Site.

Noise associated with the use of construction equipment is estimated to be between 55 and 85 dBA L_{max} at a distance of 50 feet from the active construction area for site preparation and grading phases. The maximum noise level generated by each grader is approximately 85 dBA L_{max} at 50 feet; each bulldozer would generate approximately 85 dBA L_{max} at 50 feet; the maximum noise level generated by water trucks/pickup trucks is approximately 55 dBA L_{max} at 50 feet from these vehicles.¹⁷¹ As stated previously, each doubling of the sound sources with equal strength increases the noise level by 3 dBA. Each of the pieces of construction equipment would operate together on the project site during the noisiest phase of construction. Although each piece of construction equipment would operate in proximity to the other equipment, they would not operate adjacent to each other due to space

¹⁶⁷ LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Page 21. June 2023. (Appendix I).

¹⁶⁸ *Ibid.*

¹⁶⁹ California Department of Transportation. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. Page 2-44. September 2013.

¹⁷⁰ LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Page 23. June 2023. (Appendix I).

¹⁷¹ LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Page 22. June 2023. (Appendix I).

needed for maneuverability on the relatively small project site. The worst-case combined noise level during this phase of construction would be 88 dBA L_{max} at 50 feet from the active construction area. Based on a usage factor¹⁷² of 40 percent, the worst-case combined noise level during this phase of construction would be 84 dBA L_{eq} at 50 feet from the active construction area.¹⁷³

Table 3.13.F shows the combined construction noise level at each of the sensitive land uses surrounding the project site based on standard construction equipment during the site preparation and grading phase. The residential uses directly east of the project site would remain in the County of San Bernardino upon project implementation but are evaluated using the City of Chino construction noise standard for a conservative analysis since temporary construction, maintenance, repair, or demolition activities to between the hours of 7:00 a.m. and 7:00 p.m., except on Sundays and federal holidays, are exempt from noise limit thresholds pursuant to Section 83.01.080(g)(3) of the County Code.

Table 3.13.F: Construction Noise Levels without Mitigation

Land Use	Direction	Reference Noise Level at 50 ft (dBA)		Distance (ft) ¹	Distance Attenuation (dBA)	Noise Level (dBA)	
		L_{max}	L_{eq}			L_{max}	L_{eq}
Residential	East	88	84	150	9.5	78.5	74.5
Residential	Southeast	88	84	230	13.3	74.7	70.7
Residential	South	88	84	130	8.3	79.7	75.7
Residential	West	88	84	50	0.0	88.0	84.0

Source: LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Table O. June 2023. (Appendix I).

¹ Distance from the residential property line to the active construction area.

dBA = A-weighted decibels

ft = foot/feet

L_{eq} = equivalent continuous sound level

L_{max} = maximum instantaneous noise level

As shown in Table 3.13.F, land uses surrounding the project site would experience short-term construction noise levels of 70.7 dBA L_{eq} (74.7 dBA L_{max}) to 84.0 dBA L_{eq} (88.0 dBA L_{max}). The closest residential property to the west may be subject to short-term construction noise reaching 84.0 dBA L_{eq} (88.0 dBA L_{max}). Although the noise generated by project construction activities would be higher than the ambient noise levels and may result in a temporary increase in the ambient noise levels, construction noise would stop once project construction is completed. Nevertheless, these noise levels would exceed the City's construction noise standard of 70 dBA (the noise standard of 65 dBA plus 5 dBA for a cumulative period of more than 15 minutes in any hour), and **Mitigation Measure NOI-1** is required.

Mitigation Measure NOI-1

Prior to issuance of demolition and grading permits, the construction contractor shall erect a minimum 6-foot-high temporary construction barrier along the eastern and southeastern project construction boundaries, a minimum 8-foot-high temporary construction barrier along the southern construction boundary, and a minimum 14-foot-high temporary construction barrier along the western project construction boundary where there are existing residences to reduce

¹⁷² The usage factor is the percentage of time during a construction noise operation that a piece of construction equipment is operating at full power.

¹⁷³ *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Page 23. June 2023. (Appendix I).

construction noise levels. The barriers shall be continuous with no gaps or holes and may be any material that has a minimum Sound Transmission Class (STC) rating of 28.

Additionally, the construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday. Construction activities shall be prohibited outside of these hours or anytime on Sundays and federal holidays.

The construction contractor shall equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment and also ensure that trucks and equipment are running only when necessary. Only “Quiet” air compressors and similar equipment shall be utilized, where available. Finally, the construction contractor shall locate stationary noise-generating equipment as far as possible from off-site residential properties. This measure shall be implemented to the satisfaction of the City of Chino Director of Development Services, or designee.

Table 3.13.G details the construction noise levels at the nearest off-site sensitive receptors with implementation of **Mitigation Measure NOI-1**.

As detailed in Table 3.13.G, implementation of **Mitigation Measure NOI-1**, which includes temporary construction barriers with a minimum height of 6 feet along the eastern and southeastern project construction boundaries, 8 feet along the southern project construction boundary, and 14 feet along the western project construction boundary, would result in a noise reduction of 5 dBA, 5 dBA, 6 dBA, and 14 dBA, respectively, and would reduce noise levels to at or below the City’s construction noise standard of 70 dBA equivalent continuous sound level (L_{eq}) at the off-site residential properties. Construction noise impacts would be reduced to **less than significant with mitigation incorporated**.

Table 3.13.G: Construction Noise Levels with Mitigation

Land Use	Direction	Reference Noise Level at 50 ft (dBA)	Distance (ft) ¹	Distance Attenuation (dBA)	Noise Attenuation from Mitigation Measure NOI-1 (dBA)	Noise Level (dBA) after attenuation from Distance and Mitigation
		L_{eq}				L_{eq}
Residential	East	84	150	9.5	5	69.5
Residential	Southeast	84	230	13.3	5	65.7
Residential	South	84	130	8.3	6	69.7
Residential	West	84	50	0.0	14	70.0

Source: LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Page 23 and Page 24. June 2023. (Appendix I).

¹ Distance from the residential property line to the active construction area.

dBA = A-weighted decibels

ft = foot/feet

L_{eq} = equivalent continuous sound level

L_{max} = maximum instantaneous noise level

Operation (Long-Term) Noise: Noise generated from operation of the Industrial Development Site would occur from mobile sources (e.g., project-generated vehicle trips) and also from stationary

sources (e.g., truck delivery and truck loading and unloading activities; automobile activities in the parking areas and drive aisles; and heating, ventilation, and air conditioning (HVAC) equipment associated with the project.

As stated above, Table 3.13.E lists the existing traffic noise levels on roadways in the project area. Using the FHWA Highway Traffic Noise Prediction Model to evaluate traffic-related noise conditions along roadway segments in the project vicinity, Tables 3.13.H and 3.13.I show the existing and near term (2025) traffic noise levels without- and with-project conditions. The with-project condition vehicle mix was adjusted based on the *Supplemental Traffic Impact Analysis for the Proposed Philadelphia Street Industrial Center Project*.¹⁷⁴ These noise levels represent the worst-case scenario, which assumes that no shielding is provided between traffic and the location where the noise contours are drawn.

Tables 3.13.H and 3.13.I show that the proposed project would result in a project-related traffic noise increase of up to 0.4 dBA. A noise increase of less than 3 dBA would not be perceptible to the human ear in an outdoor environment.¹⁷⁵ Therefore, off-site traffic noise impacts would be **less than significant**. Mitigation is not required.

¹⁷⁴ Linscott, Law & Greenspan Engineers (LLG). *Supplemental Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. June 20, 2023 (Appendix B2).

¹⁷⁵ California Department of Transportation. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. Page 2-44. September 2013.

Table 3.13.H: Existing Traffic Noise Levels Without and With Project

Roadway Segment	Without Project Traffic Conditions					With Project Traffic Conditions					
	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	Increase from Baseline Conditions (dBA)
East End Avenue North of Philadelphia Street	7,889	59	126	272	70.3	7,903	59	127	274	70.4	0.1
East End Avenue South of Philadelphia Street	8,579	52	111	238	69.5	8,587	52	112	240	69.5	0.0
Philadelphia Street West of East End Avenue	6,884	< 50	53	113	64.6	6,955	< 50	56	119	65.0	0.4
Philadelphia Street East of East End Avenue	6,963	< 50	69	148	66.4	7,008	< 50	69	149	66.4	0.0

Source: LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Table S. June 2023. (Appendix I).

Note: Traffic noise within 50 ft of the roadway centerline should be evaluated with site-specific information.

ADT = average daily traffic

dBA = A-weighted decibel

CNEL = Community Noise Equivalent Level

ft = foot/feet

Table 3.13.I: Near Term (2025) Traffic Noise Levels Without and With Project

Roadway Segment	Without Project Traffic Conditions					With Project Traffic Conditions					
	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	ADT	Centerline to 70 dBA CNEL (ft)	Centerline to 65 dBA CNEL (ft)	Centerline to 60 dBA CNEL (ft)	CNEL (dBA) 50 ft from Centerline of Outermost Lane	Increase from Baseline Conditions (dBA)
East End Avenue North of Philadelphia Street	8,280	61	131	281	70.5	8,294	61	130	281	70.5	0.0
East End Avenue South of Philadelphia Street	8,954	53	114	245	69.7	8,962	53	114	245	69.7	0.0
Philadelphia Street West of East End Avenue	7,322	< 50	55	118	64.9	7,393	< 50	59	126	65.3	0.4
Philadelphia Street East of East End Avenue	7,426	< 50	72	154	66.6	7,471	< 50	72	155	66.7	0.1

Source: LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Table T. June 2023. (Appendix I).

Note: Traffic noise within 50 ft of the roadway centerline should be evaluated with site-specific information.

ADT = average daily traffic

dBA = A-weighted decibel

CNEL = Community Noise Equivalent Level

ft = foot/feet

Truck delivery and truck loading and unloading activities for the project would take place at the loading docks for each of the three proposed warehouse buildings, as shown in Figure 4. These activities would take place both during daytime and nighttime hours. Noise levels generated from these activities include truck movement, docking at loading dock doors, backup alarms, air brakes, idling, and unloading activities. These activities would generate a noise level of [up to] 75 dBA L_{max} at 50 feet.¹⁷⁶ Based on the project trip generation obtained from the *Supplemental Traffic Impact Analysis for the Proposed Philadelphia Street Industrial Center Project*,¹⁷⁷ it is estimated that there would be a maximum of 3 deliveries per hour during daytime hours and 1 delivery per hour during nighttime hours. Also, it is estimated that each truck would generate the maximum noise level (75 dBA L_{max}) for a cumulative period of 5 minutes, which would result in a cumulative period of 15 minutes in any hour¹⁷⁸ during daytime hours and a cumulative period of 5 minutes in any hour during nighttime hours. Accordingly, truck delivery and truck loading and unloading activities would generate a noise level of 67.2 dBA L_{eq} at 50 feet during daytime hours and 64.2 dBA L_{eq} at 50 feet during nighttime hours.¹⁷⁹ Table 3.13.J and Table 3.13.K below detail the estimated noise levels generated by truck delivery and truck loading activities during daytime and nighttime hours, respectively.

The project would include surface parking for automobiles and trucks. Noise generated from parking activities would include noise generated by vehicles traveling at slow speeds, engine start-up noise, car door slams, car horns, car alarms, and tire squeals. In addition, noise generated from truck parking would include backup alarms and air brakes. Representative parking activities would generate between 60 to 70 dBA L_{max} at 50 feet.¹⁸⁰ Based on the project trip generation obtained from the *Supplemental Traffic Impact Analysis for the Proposed Philadelphia Street Industrial Center Project*,¹⁸¹ it is estimated that automobile parking would generate the maximum noise level (60 dBA L_{max}) for a cumulative period of 3 minutes during daytime hours and 1 minute during nighttime hours. Also, it is estimated that truck parking activities would generate the maximum noise level (70 dBA L_{max}) for a cumulative period of 1 minute during both daytime and nighttime hours. Accordingly, automobile parking activities would generate a noise level of 57.0 dBA L_{eq} at 50 feet during daytime hours and 52.2 dBA L_{eq} at 50 feet during nighttime hours, while truck parking activities would generate a noise level of 52.2 dBA L_{eq} at 50 feet during daytime and nighttime hours.¹⁸² Table 3.13.J and Table 3.13.K below detail the estimated noise levels generated by parking lot activities during daytime and nighttime hours, respectively.

¹⁷⁶ LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Page 27. June 2023. (Appendix I).

¹⁷⁷ Linscott, Law & Greenspan Engineers (LLG). *Supplemental Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. June 20, 2023 (Appendix B2).

¹⁷⁸ 3 delivery trucks per hour x 5 minutes of maximum noise level per truck = cumulative of 15 minutes of maximum noise level per hour.

¹⁷⁹ LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Page 30. June 2023. (Appendix I).

¹⁸⁰ *Ibid.*

¹⁸¹ Linscott, Law & Greenspan Engineers (LLG). *Supplemental Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. June 20, 2023 (Appendix B2).

¹⁸² LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Page 30. June 2023. (Appendix I).

Table 3.13.J: Daytime Stationary Noise Levels

Land Use	Jurisdiction	Direction	Noise Source	Reference Noise Level at 50 ft (dBA)		Distance ¹ (ft)	Distance Attenuation (dBA)	Shielding ² (dBA)	Noise Level (dBA)		Combined Noise Level (dBA Leq)
				L _{max}	L _{eq}				L _{max}	L _{eq}	
Residence	San Bernardino County	East	Truck (Building 1)	75	67.2	329	16.4	15	43.6	35.8	51.5
			Truck (Building 2)	75	67.2	272	14.7	15	45.3	37.5	
			Truck (Building 3)	75	67.2	275	14.8	15	45.2	37.4	
			Auto Parking	70	57.0	118	7.5	0	62.5	49.5	
			Truck Parking (Building 1)	70	52.2	315	16.0	15	39.0	21.2	
			Truck Parking (Building 2)	70	52.2	270	14.6	15	40.4	22.6	
			Truck Parking (Building 2)	70	52.2	275	14.8	15	40.2	22.4	
			HVAC (Building 1)	--	59.4	146	9.3	8	--	42.1	
			HVAC (Building 2)	--	59.4	146	9.3	8	--	42.1	
			HVAC (Building 3)	--	59.4	308	15.8	6	--	37.6	
Residence	Chino	Southeast	Truck (Building 1)	75	67.2	329	16.4	15	43.6	35.8	45.3
			Truck (Building 2)	75	67.2	595	21.5	15	38.5	30.7	
			Truck (Building 3)	75	67.2	402	18.1	15	41.9	34.1	
			Auto Parking	70	57.0	294	15.4	0	54.6	41.6	
			Truck Parking (Building 1)	70	52.2	595	21.5	15	33.5	15.7	
			Truck Parking (Building 2)	70	52.2	420	18.5	15	36.5	18.7	
			Truck Parking (Building 2)	70	52.2	345	16.8	15	38.2	20.4	
			HVAC (Building 1)	--	59.4	517	20.3	6	--	33.1	
			HVAC (Building 2)	--	59.4	338	16.6	6	--	36.8	
			HVAC (Building 3)	--	59.4	329	16.4	6	--	37.0	
Residence	Chino	South	Truck (Building 1)	75	67.2	458	19.2	0	49.8	42.0	53.4
			Truck (Building 2)	75	67.2	257	14.2	15	45.8	38.0	
			Truck (Building 3)	75	67.2	186	11.4	15	48.6	40.8	
			Auto Parking	70	57.0	91	5.2	0	64.8	51.8	
			Truck Parking (Building 1)	70	52.2	470	19.5	0	44.5	26.7	
			Truck Parking (Building 2)	70	52.2	280	15	15	40.0	22.2	
			Truck Parking (Building 2)	70	52.2	174	10.8	15	44.2	26.4	
			HVAC (Building 1)	--	59.4	477	19.6	6	--	33.8	
			HVAC (Building 2)	--	59.4	292	15.3	6	--	38.1	
			HVAC (Building 3)	--	59.4	116	7.3	6	--	44.1	

Table 3.13.J: Daytime Stationary Noise Levels

Land Use	Jurisdiction	Direction	Noise Source	Reference Noise Level at 50 ft (dBA)		Distance ¹ (ft)	Distance Attenuation (dBA)	Shielding ² (dBA)	Noise Level (dBA)		Combined Noise Level (dBA Leq)
				L _{max}	L _{eq}				L _{max}	L _{eq}	
Residence	Chino	West	Truck (Building 1)	75	67.2	316	16	0	59.0	51.2	65.1
			Truck (Building 2)	75	67.2	137	8.8	0	66.2	58.4	
			Truck (Building 3)	75	67.2	93	5.4	0	69.6	61.8	
Residence	Chino	West	Auto Parking	70	57.0	40	-1.9	0	71.9	58.9	65.1
			Truck Parking (Building 1)	70	52.2	325	16.3	0	53.7	35.9	
			Truck Parking (Building 2)	70	52.2	168	10.5	0	59.5	41.7	
			Truck Parking (Building 2)	70	52.2	100	6	0	64.0	46.2	
			HVAC (Building 1)	--	59.4	398	18	6	--	35.4	
			HVAC (Building 2)	--	59.4	271	14.7	6	--	38.7	
			HVAC (Building 3)	--	59.4	91	5.2	8	--	46.2	

Source: LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project.* Table U. June 2023. (Appendix I).

¹ Distance from the source to the residential property line.

² The calculated noise reduction from the proposed 35 ft high warehouse buildings and the roof line/parapet are provided in Appendix C of Appendix I.

dBA = A-weighted decibels

ft = foot/feet

HVAC = heating, ventilation, and air conditioning

L_{eq} = equivalent continuous sound level

L_{max} = maximum instantaneous noise level

Table 3.13.K: Nighttime Stationary-Source Noise Levels

Land Use	Jurisdiction	Direction	Noise Source	Reference Noise Level at 50 ft (dBA)		Distance ¹ (ft)	Distance Attenuation (dBA)	Shielding ² (dBA)	Noise Level (dBA)		Combined Noise Level (dBA Leq)
				L _{max}	L _{eq}				L _{max}	L _{eq}	
Residence	San Bernardino County	East	Truck (Building 1)	75	64.2	329	16.4	15	43.6	32.8	48.8
			Truck (Building 2)	75	64.2	272	14.7	15	45.3	34.5	
			Truck (Building 3)	75	64.2	275	14.8	15	45.2	34.4	
			Auto Parking	70	52.2	118	7.5	0	62.5	44.7	
			Truck Parking (Building 1)	70	52.2	315	16.0	15	39.0	21.2	
			Truck Parking (Building 2)	70	52.2	270	14.6	15	40.4	22.6	
			Truck Parking (Building 2)	70	52.2	275	14.8	15	40.2	22.4	
			HVAC (Building 1)3	--	59.4	146	9.3	8	--	42.1	
			HVAC (Building 2)	--	59.4	146	9.3	8	--	42.1	
			HVAC (Building 3)	--	59.4	308	15.8	6	--	37.6	
Residence	Chino	Southeast	Truck (Building 1)	75	64.2	329	16.4	15	43.6	32.8	43.1
			Truck (Building 2)	75	64.2	595	21.5	15	38.5	27.7	
			Truck (Building 3)	75	64.2	402	18.1	15	41.9	31.1	
			Auto Parking	70	52.2	294	15.4	0	54.6	36.8	
			Truck Parking (Building 1)	70	52.2	595	21.5	15	33.5	15.7	
			Truck Parking (Building 2)	70	52.2	420	18.5	15	36.5	18.7	
			Truck Parking (Building 2)	70	52.2	345	16.8	15	38.2	20.4	
			HVAC (Building 1)	--	59.4	517	20.3	6	--	33.1	
			HVAC (Building 2)	--	59.4	338	16.6	6	--	36.8	
			HVAC (Building 3)	--	59.4	329	16.4	6	--	37.0	
Residence	Chino	South	Truck (Building 1)	75	64.2	458	19.2	6	49.8	39.0	50.1
			Truck (Building 2)	75	64.2	257	14.2	15	45.8	35.0	
			Truck (Building 3)	75	64.2	186	11.4	15	48.6	37.8	
			Auto Parking	70	52.2	91	5.2	0	64.8	47.0	
			Truck Parking (Building 1)	70	52.2	470	19.5	6	44.5	26.7	
			Truck Parking (Building 2)	70	52.2	280	15	15	40.0	22.2	
			Truck Parking (Building 2)	70	52.2	174	10.8	15	44.2	26.4	
			HVAC (Building 1)	--	59.4	477	19.6	6	--	33.8	
			HVAC (Building 2)	--	59.4	292	15.3	6	--	38.1	
			HVAC (Building 3)	--	59.4	116	7.3	6	--	44.1	

Table 3.13.K: Nighttime Stationary-Source Noise Levels

Land Use	Jurisdiction	Direction	Noise Source	Reference Noise Level at 50 ft (dBA)		Distance ¹ (ft)	Distance Attenuation (dBA)	Shielding ² (dBA)	Noise Level (dBA)		Combined Noise Level (dBA Leq)
				L _{max}	L _{eq}				L _{max}	L _{eq}	
Residence	Chino	West	Truck (Building 1)	75	64.2	316	16	0	59.0	48.2	61.9
			Truck (Building 2)	75	64.2	137	8.8	0	66.2	55.4	
			Truck (Building 3)	75	64.2	93	5.4	0	69.6	58.8	
Residence	Chino	West	Auto Parking	70	52.2	40	-1.9	0	71.9	54.1	61.9
			Truck Parking (Building 1)	70	52.2	325	16.3	0	53.7	35.9	
			Truck Parking (Building 2)	70	52.2	168	10.5	0	59.5	41.7	
			Truck Parking (Building 2)	70	52.2	100	6	0	64.0	46.2	
			HVAC (Building 1)	--	59.4	398	18	6	--	35.4	
			HVAC (Building 2)	--	59.4	271	14.7	6	--	38.7	
			HVAC (Building 3)	--	59.4	91	5.2	8	--	46.2	

Source: LSA. Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project. Table V. June 2023. (Appendix I).

¹ Distance from the source to the residential property line.

² The calculated noise reduction from the proposed 35 ft high warehouse buildings and the roof line/parapet are provided in Appendix C of Appendix I.

dBA = A-weighted decibels

ft = foot/feet

HVAC = heating, ventilation, and air conditioning

L_{eq} = equivalent continuous sound level

L_{max} = maximum instantaneous noise level

The project would include two rooftop HVAC units for the office portion at each of the three proposed warehouse buildings (total of six rooftop HVAC units). The office portions of the proposed warehouse buildings are shown in Figure 4. The HVAC equipment could operate 24 hours per day. Each HVAC unit would generate a noise level of 56.4 dBA L_{eq} at a distance of 50 feet, while two HVAC units operating simultaneously would generate a noise level of 59.4 dBA L_{eq} at a distance of 50 feet.¹⁸³ Table 3.13.J and Table 3.13.K below detail the estimated noise levels generated by HVAC operation during daytime and nighttime hours, respectively.

Table 3.13.J (daytime) and Table 3.13.K (nighttime) show the individual stationary noise sources from truck delivery and truck loading and unloading activities, automobile parking activities, truck parking activities, and rooftop HVAC equipment at the closest residential property lines from the project site, as well as the distance attenuation, noise reduction from shielding, and the combined stationary noise level. The proposed warehouse buildings would shield the residential property lines to the east, southeast, and south from truck loading docks and vehicle parking activities at each of the three proposed warehouse buildings. Additionally, the roof lines and parapets would shield the residential properties to the east, southeast, south, and west from the rooftop HVAC equipment.

As shown in Table 3.13.J (daytime) and Table 3.13.K (nighttime), project operation noise levels generated at the residential property line east of the project site in San Bernardino County would reach up to combined daytime and nighttime stationary noise levels of 51.5 dBA L_{eq} and 48.8 dBA L_{eq} , respectively. The combined daytime noise levels would not exceed the County's daytime 30-minute (L_{50}) noise standard of 55 dBA. Although the combined nighttime noise levels would exceed the County's nighttime 30-minute (L_{50}) noise standard of 45 dBA, the ambient noise level would increase by 0.2 dBA based on the measured average nighttime noise level of 61.8 dBA L_{eq} at LT-3 shown in Table 3.13.D above. This increase in noise is less than 3 dBA and would not be perceptible to the human ear in an outdoor environment.¹⁸⁴ The maximum instantaneous noise levels generated at the residential property line east of the project site in San Bernardino County from project operations would reach up to 62.5 dBA L_{max} . This noise level would not exceed the County's daytime and nighttime maximum anytime noise standards of 75 dBA L_{max} and 65 dBA L_{max} , respectively. Therefore, stationary noise impacts at the residential properties east of the project site in San Bernardino County would be **less than significant**. Mitigation is not required.

As shown in Table 3.13.J (daytime), project operation noise levels generated at the residential property lines southeast, south, and west of the project site within the jurisdiction of the City would reach up to combined daytime stationary noise levels of 45.3 dBA L_{eq} , 54.5 dBA L_{eq} , and 65.1 dBA L_{eq} , respectively. These noise levels would not exceed the City's daytime 30-minute (L_{50}) noise standard of 55 dBA except for the residence west of the project site. Although the combined daytime noise level would exceed the City's daytime 30-minute (L_{50}) noise standard of 55 dBA, the ambient noise level would increase by 2 dBA based on the measured average nighttime noise level of 67.3 dBA L_{eq}

¹⁸³ LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Page 30. June 2023. (Appendix I).

¹⁸⁴ California Department of Transportation. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. Page 2-44. September 2013.

at LT-1 as shown in Table 3.13.D above. This increase in noise is less than 3 dBA and would not be perceptible to the human ear in an outdoor environment.

Similarly, Table 3.13.K (nighttime) indicates project operation noise levels generated at the residential property lines southeast, south, and west of the project site within the jurisdiction of the City would reach up to combined nighttime stationary noise levels of 43.1 dBA L_{eq} , 51.6 dBA L_{eq} , and 61.9 dBA L_{eq} , respectively. Noise levels at the residential property line southeast of the project site would not exceed the City's nighttime 30-minute (L_{50}) noise standard of 45 dBA, while noise levels at the residential property lines south and west of the project site would exceed the City's nighttime 30-minute (L_{50}) noise standard of 45 dBA. Although the combined nighttime noise level would exceed the City's nighttime 30-minute (L_{50}) noise standard of 45 dBA, the ambient noise level would increase by 0.3 dBA and 2.5 dBA based on the measured average nighttime noise level of 62.7 dBA L_{eq} and 63.1 dBA L_{eq} at LT-2 and LT-1, respectively, as shown in Table 3.13.D above. This increase in noise is less than 3 dBA and would not be perceptible to the human ear in an outdoor environment.

Finally, Table 3.13.J (daytime) and Table 3.13.K (nighttime) indicate the maximum instantaneous noise levels generated at the residential property lines southeast, south, and west of the project site within the jurisdiction of the City from project operations would reach up to 54.6 dBA L_{max} , 64.8 dBA L_{max} , and 71.9 dBA L_{max} , respectively. These noise levels would not exceed the City's daytime and nighttime maximum anytime noise standards of 75 dBA L_{max} and 70 dBA L_{max} , respectively, except for the residence west of the project site during nighttime hours. However, the measured nighttime maximum noise levels at the residence west of the project site are already above 70 dBA L_{max} , and range from 76.1 to 88.3 dBA L_{max} at LT-1 as shown in Table 3.13.D above. Maximum instantaneous noise levels generated at the residential property line to the west of the site are already higher than noise levels expected to be generated by operation of the Industrial Development Site. Therefore, stationary noise impacts at the residential properties southeast, south, and west of the project site in the City of Chino would be **less than significant** during daytime and nighttime hours. Mitigation is not required.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be required to comply with applicable General Plan Noise Element policies and the City's Noise Ordinance when site-specific development applications are submitted to the City for those properties. Site-specific noise evaluations of future projects would be required pursuant to General Plan Goal N-1, Objective N-1.1 (P4), (P5), and (P6), as well as Objective N-1.3 (P3) specified above to ensure noise levels would not exceed City standards and/or conflict with CEQA thresholds.

Significance Conclusion: The Industrial Development Site and East End Annexation area are generally industrial and located in areas currently subjected to high levels of noise from existing industrial

operations. CEQA calls upon a lead agency to evaluate existing conditions in order to assess whether a project could exacerbate adverse conditions that are already present. In *California Building Industry Association v. Bay Area Air Quality Management District*, December 17, 2015 (62 Cal.4th 369), the California Supreme Court held that "... agencies subject to CEQA generally are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment – and not the environment's impact on the project – that compels an evaluation of how future residents or users could be affected by exacerbated conditions."

The proposed project would develop the Industrial Development Site with warehouse uses substantially similar to the existing industrial uses adjacent to the north, west-northwest, and select properties to the south of the Industrial Development Site. Furthermore, any future projects proposed within the balance of the East End Annexation area, which is already anticipated and planned by the City for industrial development, would be required to comply with General Plan Goal N-1, Objective N-1.1 (P4), (P5), and (P6), as well as Objective N-1.3 (P3) specified above to ensure noise levels would not exceed City standards and/or conflict with CEQA thresholds. Accordingly, the proposed project is anticipated to generate noise of similar or lesser frequency and intensity as the existing ambient noise levels in the project area, and operation of the project would not exacerbate the existing ambient noise levels generated by the surrounding uses. With implementation of **Mitigation Measure NOI-1**, no substantial temporary or permanent increase in ambient noise levels in the project vicinity in excess of applicable standards would occur. Impacts would be reduced to **less than significant with mitigation incorporated**.

b. Result in generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant with Mitigation Incorporated

Discussion of Effect: The following analysis is based on a Noise and Vibration Impact Analysis prepared for the proposed project (Appendix I).¹⁸⁵

Industrial Development Site: The Industrial Development Site is part of the East End Annexation area that would be incorporated into the City of Chino as part of the project. Accordingly, standards against which excessive groundborne vibration or noise are evaluated are based on City of Chino Municipal Code. However, select off-site uses adjacent to the project site would still be located in unincorporated San Bernardino County upon implementation of the project. Therefore, project-generated vibration levels have been evaluated pursuant to the Chino Municipal Code and General Plan policies for receptors in Chino and pursuant to the San Bernardino County Noise Control Ordinance for receptors in unincorporated San Bernardino County.

The nearest sensitive receptors is a single-family residential property (APN 1013-521-05) adjacent to the west of the Industrial Development Site (part of the East End Annexation area and therefore subject to City of Chino vibration standards), single-family residential properties (APNs 1016-011-02 and -03) across Philadelphia Street to the south of the Industrial Development Site (part of the East

¹⁸⁵ LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. June 2023. (Appendix I).

End Annexation area and therefore subject to City of Chino vibration standards), and single-family residential properties (APNs 0103-501-12, -13, and -14) across East End Avenue to the east of the Industrial Development Site (these receptors would remain within San Bernardino County and therefore are subject to County vibration standards).

Chino Noise Control Ordinance: Section 9.40.110 of the City's Municipal Code prohibits any person to create, maintain, or cause any ground vibration which is perceptible without instruments at any point on any affected property adjoining the property on which the vibration source is located. The perception threshold shall be presumed to be more than 0.05 inch per second root-mean-square (RMS) vertical velocity.

San Bernardino County Noise Control Ordinance: Section 83.01.090 of the County Code prohibits ground vibration that can be felt without the aid of instruments at or beyond the lot line or which produces a particle velocity greater than or equal to two-tenths (0.2) inches/second measured at or beyond the lot line. In addition, vibration generated from temporary construction, maintenance, repair, or demolition activities between 7:00 a.m. and 7:00 p.m. is exempt, except on Sundays and federal holidays.

Construction (Short-Term) Vibration: The construction vibration analysis discusses the level of human annoyance using vibration levels in RMS (inches/second) and assesses the potential for building damage using vibration levels in peak particle velocity (PPV) (inches/second). Vibration levels calculated in RMS velocity are best for characterizing human response to building vibration, whereas vibration levels in PPV are best for characterizing damage potential to buildings.

Reference vibration levels at a distance of 25 feet for each type of standard construction equipment expected to be used at the Industrial Development Site are obtained from the *Transit Noise and Vibration Impact Assessment Manual*.¹⁸⁶ Project construction is expected to require the use of large bulldozers and loaded trucks, which would generate ground-borne vibration levels of up to 87 vibration velocity decibels (VdB) (0.089 inches/second [PPV]) and 86 VdB (0.076 inches/second [PPV]), respectively, when measured at 25 feet.¹⁸⁷

The greatest vibration levels are anticipated to occur during the site preparation and grading phase, while all other phases are expected to result in lower vibration levels. The distance to the nearest buildings to evaluate building damage is measured between the nearest off-site buildings and the project boundary (assuming the construction equipment would be used at or near the project boundary) because vibration impacts normally occur within the buildings.

¹⁸⁶ Federal Transit Administration. *Transit Noise and Vibration Impact Assessment Manual*. FTA Report No. 0123. September 2018. https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf (accessed September 2022).

¹⁸⁷ LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Page 24. June 2023. (Appendix I).

Table 3.13.L lists the projected vibration levels from various construction equipment expected to be used on the Industrial Development Site in the active construction area near the center of the project site to the nearest buildings in the site vicinity. As shown in Table 3.13.L, the nearest residential building to the east in San Bernardino County is approximately 175 feet from the active construction area near the center of the Industrial Development Site and would experience an average vibration level of up to 0.005 inches/second RMS. This vibration level would not result in annoyance because vibration levels would not exceed the City's vibration standard of 0.05 inches/second RMS. Furthermore, construction vibration levels are exempt in the County of San Bernardino.

Table 3.13.L: Potential Construction Vibration Annoyance

Land Use	Jurisdiction	Direction	Equipment/ Activity	Reference Vibration Level at 25 ft	Distance to Structure (ft) ¹	Vibration Level (in/sec)
				PPV (in/sec)		
Industrial	Chino	North	Large bulldozers	0.089	110	0.010
			Loaded trucks	0.076	110	0.008
Residence	San Bernardino County	East	Large bulldozers	0.089	175	0.005
			Loaded trucks	0.076	175	0.004
Residence	Chino	Southeast	Large Bulldozers	0.089	270	0.003
			Loaded Trucks	0.076	270	0.002
Residence	Chino	South	Large bulldozers	0.089	160	0.005
			Loaded trucks	0.076	160	0.005
Residence	Chino	West	Large bulldozers	0.089	55	0.027
			Loaded trucks	0.076	55	0.023

Source: LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Table Q. June 2023. (Appendix I).

Note: The potential for construction vibration annoyance was assessed using the City's vibration standard of 0.05 in/sec RMS.

¹ Distance from the active construction area near the center of the project site to the building structure.

ft = foot/feet

RMS = root-mean-square

FTA = Federal Transit Administration

VdB = vibration velocity decibels

in/sec = inches per second

PPV = peak particle velocity

The closest residential building in the City is west of the Industrial Development Site approximately 55 feet from the active construction area near the center of the site and would experience a vibration level of up to 0.027 inches/second. This vibration level would not result in annoyance because vibration levels would not exceed the City's vibration standard of 0.05 inches/second RMS. Other building structures that surround the Industrial Development Site would experience lower vibration levels because they are farther away from the active construction area.

Similarly, Table 3.13.M lists the projected vibration levels from various construction equipment expected to be used on the Industrial Development Site at the site's construction boundary relative to the nearest buildings in the site's vicinity. As shown in Table 3.13.M, the residential building to the west is approximately 5 feet from the Industrial Development Site construction boundary and would experience a vibration level of up to 0.995 inches/second (PPV). This vibration level would have the potential to result in building damage because the residential building is constructed of non-engineered timber and masonry, and vibration levels could exceed the FTA vibration damage threshold of 0.20 in/sec (PPV), and mitigation is required.

Table 3.13.M: Potential Construction Vibration Damage

Land Use	Jurisdiction	Direction	Equipment/ Activity	Reference Vibration Level at 25 ft	Distance to Structure (ft) ¹	Vibration Level
				PPV (in/sec)		PPV (in/sec)
Industrial	Chino	North	Large bulldozers	0.089	54	0.028
			Loaded trucks	0.076	54	0.024
Residence	San Bernardino County	East	Large bulldozers	0.089	125	0.008
			Loaded trucks	0.076	125	0.007
Residence	Chino	Southeast	Large bulldozers	0.089	205	0.004
			Loaded trucks	0.076	205	0.003
Residence	Chino	South	Large bulldozers	0.089	100	0.011
			Loaded trucks	0.076	100	0.010
Residence	Chino	West	Large bulldozers	0.089	5	0.995
			Loaded trucks	0.076	5	0.850

Source: LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Table R. June 2023. (Appendix I).

Note: The FTA-recommended building damage threshold is 0.20 in/sec (PPV) at the receiving non-engineered timber and masonry building.

¹ Distance from the project construction boundary to the building structure.

ft = foot/feet

FTA = Federal Transit Administration

in/sec = inches per second

PPV = peak particle velocity

VdB = vibration velocity decibels

Mitigation Measure NOI-2

Prior to issuance of a grading permit, the construction contractor shall provide evidence to the City of Chino that heavy construction equipment (e.g., large bulldozers and loaded trucks) shall be prohibited from operating within 15 feet of the residential structures located on the property (APN 1013-521-05) adjacent to the west-southwest of the Industrial Development Site. Notes shall be included in the grading plans and temporary on-site signage in the immediate proximity of the southwest portion of the Industrial Development Site shall be erected notifying construction personnel of the prohibition. The temporary signage shall clearly indicate large bulldozers and loaded trucks are prohibited from operating within 15 feet of the residential structures located on the property (APN 1013-521-05) adjacent to the west-southwest of the Industrial Development Site, the standard language of which shall be determined through coordination between the construction site contractor, the project applicant, and the City of Chino Director of Development Services or designee. This measure shall be implemented to the satisfaction of the City of Chino Director of Development Services, or designee.

Other building structures that surround the project site are 54 feet or more from the Industrial Development Site construction boundary and would experience a vibration level of up to 0.028 inches/second (PPV). This vibration level would not result in building damage because the surrounding buildings would be constructed equivalent to or better than non-engineered timber and masonry and vibration levels would not exceed the FTA vibration damage threshold of 0.20 inches/second PPV.

Implementation of **Mitigation Measure NOI-2** to restrict heavy construction equipment (e.g., large bulldozers) or require the use of light construction equipment (e.g., small bulldozers and trucks) within 15 feet of the residential structures on APN 1013-521-05 would reduce construction vibration levels to 0.191 inches/second PPV or below at those structures,¹⁸⁸ and impacts would be **less than significant with mitigation incorporated**.

Operation (Long-Term) Vibration: Operation of the Industrial Development Site would not generate substantial vibration. In addition, vibration levels generated from project-related traffic on the adjacent roadways (e.g., Philadelphia Street and East End Avenue) would be unusual for on-road vehicles because the rubber tires and suspension systems of on-road vehicles provide vibration isolation. Therefore, vibration impacts from operation of the Industrial Development Site would be **less than significant**. Mitigation is not required.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be required to comply with applicable General Plan Noise Element policies and the City's Noise Ordinance when site-specific development applications are submitted to the City for those properties. Site-specific evaluations of future projects for potential to generate substantial vibration would be required pursuant to General Plan Goal N-1, Objective N-1.1 (P4), (P5), and (P6), as well as Objective N-1.3 (P3) specified above to ensure vibration levels would not exceed applicable standards and/or conflict with CEQA thresholds.

Significance Conclusion: As detailed in the analysis above, construction of the Industrial Development Site could generate vibration that could damage structures on the adjacent residential property (APN 1013-521-05) to the west of the site. However, implementation of **Mitigation Measure NOI-2** would reduce vibration levels at the structures on the adjacent residential property (APN 1013-521-05) to the west of the site to below applicable building damage thresholds. Furthermore, future development projects within the East End Annexation area would be required to would be required comply with General Plan Goal N-1, Objective N-1.1 (P4), (P5), and (P6), as well as Objective N-1.3 (P3) specified above to ensure vibration levels would not exceed applicable standards and/or conflict with CEQA thresholds. Impacts would be **less than significant with mitigation incorporated**.

¹⁸⁸ LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. Page 25. June 2023. (Appendix I).

- c. For a project located within the vicinity of a private airstrip or airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?

Less than Significant Impact

Discussion of Effect: The following analysis is based on a Noise and Vibration Impact Analysis prepared for the proposed project (Appendix I).¹⁸⁹

Industrial Development Site: Brackett Field Airport, Cable Airport, Chino Airport, and Ontario International Airport are 4.7 miles northwest, 5.4 miles north, 6 miles southeast, and 6.1 miles east of the Industrial Development Site, respectively. The noise compatibility contours in the Brackett Field Airport Land Use Compatibility Plan¹⁹⁰ show that the Industrial Development Site is outside the 55 dBA CNEL noise contours for Brackett Field Airport. The Cable Airport Comprehensive Airport Land Use Plan,¹⁹¹ Chino Airport Comprehensive Land Use Plan, and Ontario International Airport Land Use Compatibility Plan¹⁹² show that the Industrial Development Site is outside the 60 dBA CNEL noise contours for Cable Airport, Chino Airport, and Ontario International Airport, respectively. Additionally, there are no helipads or private airstrips within 2 miles of the Industrial Development Site. Therefore, development of the Industrial Development Site would not expose people working in the project area to excessive noise levels. Impacts would be **less than significant**, and mitigation is not required.

East End Annexation: Similar to the Industrial Development Site, none of the regional airports (Brackett Field Airport, Cable Airport, Chino Airport, and Ontario International Airport) are located close enough to the East End Annexation area to expose people working in the project vicinity to excessive noise levels.

Significance Conclusion: The proposed project would not expose future occupants of the Industrial Development Site or greater East End Annexation area to significant levels of public or private aircraft noise. Impacts would be **less than significant**, and mitigation is not required.

¹⁸⁹ LSA. *Noise and Vibration Impact Analysis. Philadelphia Street Industrial Center Project*. June 2023. (Appendix I).

¹⁹⁰ Los Angeles County Airport Land Use Commission. *Brackett Field Airport Land Use Compatibility Plan (ALUCP)*. December 9, 2015. https://planning.lacounty.gov/assets/upl/project/brackett_alucp_final.pdf (Accessed September 2022).

¹⁹¹ West Valley Planning Agency Airport Land Use Commission. *Cable Airport Comprehensive Airport Land Use Plan*. December 9, 1981. <http://www.sbcounty.gov/Uploads/lus/Airports/Cable.pdf> (Accessed September 2022).

¹⁹² Ontario International Airport Land Use Compatibility Plan, Policy Map 2-1: Airport Influence Area, April 19, 2011. <http://www.ontarioplan.org/wp-content/uploads/sites/4/2015/05/policy-map-2-1.pdf> (accessed April 29, 2020).

3.14 POPULATION AND HOUSING

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial amounts 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"/>

- a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: *CEQA Guidelines* Section 15126.2[d] identifies a project as growth inducing if it fosters economic or population growth, or the construction of additional housing either directly or indirectly in the surrounding environment. New employees from commercial or industrial development and new population from residential development represent direct forms of growth, which have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, the growth-inducing potential of a project would be considered substantial if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies (e.g., SCAG).

As discussed throughout this Initial Study, the Industrial Development Site is within the City of Chino Sphere of Influence and has a land use designation of Light Industrial per the Chino General Plan.¹⁹³ The project would include a zone change of the Industrial Development Site from Single-Family Residential (RS-20M) to Light Industrial (M1) as a municipal exercise to achieve consistency of land use development in accordance with the City of Chino's existing General Plan Light Industrial land use designation of the site.

The City General Plan indicates the Light Industrial land use designation allows for industrial uses with fewer impacts on traffic, noise, odors, and pollutants with a maximum floor-to-area ratio (FAR) of

¹⁹³ City of Chino. General Plan 2025. Land Use Element. *Figure LU-2 General Plan Land Use Designations*. July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

0.6.¹⁹⁴ Section No. 20.07.020 of the City Zoning Code indicates the Light Industrial (M-1) Zoning District is an industrial zoning district that accommodates manufacturing uses considered light in nature by reason of its size, activity, and performance characteristics.

As detailed in Section 3.11 above, the development of the Industrial Development Site is consistent with the City's General Plan and Zoning Code through development of three industrial buildings totaling 63,900 square feet, of which approximately 9,000 square feet would be office space and approximately 4,000 square feet would be mezzanine space, with a FAR of approximately 0.41. Based on the Institute of Transportation Engineers (ITE) *Trip Generation* (11th Edition) rates for Land Use 150 – "Warehousing," development of the Industrial Development Site would generate approximately 22 employees.¹⁹⁵ Although the potential exists for development of the Industrial Development Site to result in population growth through employment opportunities, the development is consistent with the General Plan land use designation and Zoning Code for the site and the generation of 22 employees would not be considered substantial or unplanned population growth in the City.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. Additionally, the East End Annexation area is within the City's Sphere of Influence and population growth that could potentially result from annexing land from the County into the City is anticipated in the City's General Plan. Therefore, annexation of the East End Annexation area would not result in population growth beyond what is already projected for in the City's General Plan.

Significance Conclusion: Based on the analysis above, the proposed project would have a **less than significant** impact to the environment from population growth. Mitigation is not required.

b. Displace substantial amounts of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development is mostly undeveloped, except for one abandoned structure on site. Development of the site would not displace existing people or housing that would require construction of new housing off-site.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. The outlier residential property (APN 1013-521-05) would physically remain residential but be subject to a zone change in order to

¹⁹⁴ City of Chino. General Plan 2025. Land Use Element. Page LU-15. July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed June 8, 2022).

¹⁹⁵ Average 1.71 daily vehicle trips per 1,000 square feet gross floor area and average 5.05 daily vehicle trips per employee. $1.71 \div 5.05 = 0.339$ employee per 1,000 square feet gross floor area. $0.339 \times 63.9 = 22$ employees.

conform to the City's existing General Plan land use designation of Light Industrial for the property and overall East End Annexation area.

Significance Conclusion: As discussed above, the proposed project would not displace a substantial number of people or housing that would necessitate the construction of housing elsewhere. **No impact** would occur, and mitigation is not required.

3.15 PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

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

a. Fire Protection

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site is within the Chino Valley Independent Fire Protection District (CVIFPD) which provides fire protection services to the City of Chino, the City of Chino Hills, and unincorporated areas of San Bernardino County.¹⁹⁶ The nearest CVIFPD facility to the site is Fire Station 65, located at 12220 Ramona Avenue, Chino, approximately 1.2 miles southeast of the Industrial Development Site. The station is an 8,300 square foot structure that currently accommodates one paramedic Engine Company staffed with four personnel, one Truck Company staffed with four personnel, and one Battalion Chief.¹⁹⁷ Average travel time between Fire Station 65 and the Industrial Development Site is 4 minutes. Through compliance with California Vehicle Code 21806(A)(1), which requires all vehicles to yield to emergency vehicles, the development of the Industrial Development Site is not expected to reduce the CVIFPD's response times.

Development of the proposed warehouse buildings may incrementally increase the demand for fire protection services through generation of 22 employees working at the site, but not to the degree that the existing fire stations within the City could not meet demand. Project design features incorporated into the structural design and layout of the proposed warehouse buildings would keep service demand increases to a minimum. For example, the applicant must coordinate with the CVIFPD during the development review process to identify and mitigate any fire hazards and ensure adequate emergency water flow, fire-resistant design and materials, early warning systems and evacuation routes, and adequate emergency access to the site from Philadelphia Street and East End Avenue. These construction methods are far superior to the structure that currently exists on the site, which is constructed of materials that are less resistant to fire. Additionally, the City maintains mutual aid

¹⁹⁶ Chino Valley Fire District. District Overview Map. <https://www.chinovalleyfire.org/204/District-Overview> (accessed April 14, 2022).

¹⁹⁷ Chino Valley Fire District Website. Business Directory. Listings of Station. <https://www.chinovalleyfire.org/BusinessDirectoryII.aspx?lngBusinessCategoryID=23> (accessed April 15, 2022).

agreements with surrounding cities (e.g., Brea/Fullerton, Corona, Montclair, Ontario, and Los Angeles) and San Bernardino County, which allow for the services of nearby fire departments to assist the City during major emergencies.¹⁹⁸

The Industrial Development Site design would be submitted to and approved by the CVIFPD prior the issuance of building permits. Furthermore, the applicant would be required to pay Development Impact Fees (DIFs) used to fund capital costs associated with constructing new public safety structures such as fire stations and purchasing equipment for new public safety structures such as fire stations and purchasing equipment for new public safety structures.

East End Annexation: The East End Annexation area is within the CVIFPD service area. The CVIFPD already serves the demand generated by existing development within the annexation area. No physical development is proposed on any property within the annexation area except on the 3.59-acre Industrial Development Site. The annexation action would not increase the demand for fire protection services beyond the 22 employees generated by development of the Industrial Development Site. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and would be required to comply with applicable CBC and California Fire Code policies when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Based on the information and analysis above, the addition of three warehouse buildings totaling 63,900 square feet consistent with the General Plan and zoning and constructed in accordance with applicable policies designed to minimize fires (i.e., CBC and California Fire Code) would not require new or physically altered fire protection facilities, the construction of which could cause significant environmental effects. Therefore, impacts would be **less than significant**, and mitigation is not required.

b. Police Protection

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The City of Chino Police Department (CPD) headquarters is located at 5450 Guardian Way, approximately 3 miles southeast of the Industrial Development Site. Development of the site would incrementally increase the demand for police services; however, the design of the warehouse buildings would incorporate Crime Prevention Through Environmental Design (CPTED) features to keep service demand increases to a minimum. For example, the design would incorporate public zones and private zones via physical and symbolic barriers to define acceptable uses of the proposed warehouse facilities and determine who has a right to occupy such zones. Additionally, the Industrial Development Site would be equipped with formal surveillance through the use of closed-circuit television, electronic monitoring, and potentially security patrols, as well as informal surveillance such as architecture, landscaping, and lighting designed to minimize visual obstacles and eliminate places of concealment for potential assailants. The CPD employs CPTED

¹⁹⁸ Chino Valley Fire District Volume 1 of 3-Technical Report, Standards of Cover Assessment and Master Plan Update, Section 2.7, pages 30-31. March 12, 2018. <https://chinovalleyfire.org/vol-1-technical-report-chino-valley-fd-soc-assessment-final-03-13-18> (accessed September 16, 2022).

principles during the development review process for new construction and offers CPTED inspection services free of charge to reduce the likelihood of criminal activity and create safer places for the community.¹⁹⁹

The City monitors staffing levels to ensure that adequate police protection and response times continue to be provided as individual development projects are proposed and on an annual basis as part of the City Council's budgeting process. The continual monitoring of police staffing levels by the City would ensure development of the Industrial Development Site would not result in a significant reduction in police response times.

Funding for new police facilities commensurate with the increased demand for services in the City would be provided from capital improvement fees levied on new development. These DIFs are one-time charges applied to new development and are imposed to raise revenue for the construction or expansion of capital facilities such as police stations located outside of project boundaries of a new development that benefit the area. DIFs enable the City to collect fair-share fees from new development projects to fund new infrastructure and services, including police services. DIFs are collected for specific infrastructure needs and are deposited into different accounts representing these requirements.

The Industrial Development Site would be designed and operated per applicable standards required by the City for new development with regard to public safety. The applicant would be required to pay DIFs used to fund capital costs associated with constructing new public safety structures and purchasing equipment for new public safety structures. In addition, the City maintains mutual aid agreements with police agencies in the surrounding cities (e.g., Upland, Ontario, and Rialto) and with the San Bernardino County Sheriff's Department, which allow for the services of nearby police departments to assist the CPD during major emergencies. Payment of DIFs commensurate with the increased demand for services in the City would offset any increase in demand for police services.

East End Annexation: The East End Annexation area is within the CPD service area. The CPD already serves the demand generated by existing development within the annexation area. No physical development is proposed on any property within the annexation area except on the 3.59-acre Industrial Development Site. The annexation action would not increase the demand for fire protection services beyond the 22 employees generated by development of the Industrial Development Site. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and would be required to comply with CPTED principles when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Based on the information and analysis above, the addition of three warehouse buildings totaling 63,900 square feet consistent with the General Plan and zoning and constructed in accordance with applicable policies designed to minimize crime (e.g., CPTED) would not require new or physically altered police protection facilities, the construction of which could cause

¹⁹⁹ City of Chino. *Crime Prevention Through Environmental Design*. <https://cityofchino.org/298/Crime-Prevention-Through-Environmental-D> (accessed June 9, 2022).

significant environmental effects. Therefore, impacts would be **less than significant**, and mitigation is not required.

c. Schools

No Impact

Discussion of Effect:

Industrial Development Site: The industrial development does not include housing; therefore, no increase in the number of school-age students is expected. California Government Code (Section 65995[b]) establishes the base amount of allowable developer fees imposed by school districts. These base amounts are commonly referred to as “Level 1 fees” and are subject to inflation adjustment every two years. School districts are placed into a specific “level” based on school impact fee amounts that are imposed on the development. With the adoption of Senate Bill 50 and Proposition 1A in 1998, schools meeting certain criteria can now adopt Level 2 and 3 developer fees. The amount of fees that can be charged over the Level 1 amount is determined by the district’s total facilities needs and the availability of State matching funds. If there is State facility funding available, districts are able to charge fees equal to 50 percent of their total facility costs, termed “Level 2” fees. If, however, there are no State funds available, “Level 3” fees may be imposed for the full cost of their facility needs.²⁰⁰

Per California Government Code, “The payment or satisfaction of a fee, charge, or other requirement levied or imposed ... are hereby deemed to be full and complete mitigation of the impacts ... on the provision of adequate school facilities.” The applicant would be required to pay these development fees in accordance with Government Code 65995 and Education Code 17620.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the majority of properties composing the annexation area already conform to their respective land use designations per the City’s General Plan (refer to Table 2.2.A: Existing and Proposed Zoning). The outlier residential property (APN 1013-521-05) would physically remain residential but be subject to a zone change in order to achieve consistency with the City’s existing General Plan land use designation of Light Industrial for the property. Therefore, the annexation action would not include new residential development and no new students would be generated as a result of the action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and would be required to pay applicable development fees when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Through payment of development fees, **no impacts** related to school services would occur. Mitigation is not required.

²⁰⁰ California State Legislature, Legislative Analyst’s Office. *An Evaluation of the School Facility Fee Affordable Housing Assistance Programs*, January 2001. An Evaluation of the School Facility Fee Affordable Housing Assistance Programs (ca.gov).(Accessed April 6, 2022).

d. Parks

Less than Significant Impact

Discussion of Effect: Please refer to Section 3.16 below.

e. Other Public Facilities

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The type of use of the proposed development (industrial warehouse) does not generate permanent population in the City that would require access to public facilities, including the City's library (Chino Branch Library) located at 13180 Central Avenue. Even if any of the 22 employees anticipated by the industrial development would require access to public facilities, the proposed use of the Industrial Development Site is consistent with the General Plan land use designation and zoning of the site,²⁰¹ so the projected increase in population (through employment generation) would be consistent with planned population growth in the City. This minimal increase in population would incrementally increase the need for a number of public services, including those listed above, and others such as libraries and City administrative facilities. In the same manner for those facilities, the applicant would be required to pay DIFs used to fund capital costs associated with constructing new public facility structures and purchasing equipment for new public facilities, including libraries.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. The annexation action would not increase the population within the annexation area, except for the 22 employees generated by development of the Industrial Development Site. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and would be required to pay applicable development fees when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Based on the information and analysis provided above, the incremental and planned increase of employment by the proposed project is not expected to result in the need to construct or expand other public facilities, including libraries. Therefore, impacts would be **less than significant**, and mitigation is not required.

²⁰¹ The Industrial Development Site has a San Bernardino County zoning designation of Single-Family Residential (RS-20M) but is within the City of Chino Sphere of Influence and has a land use designation of Light Industrial per the Chino General Plan. Accordingly, the industrial development would include a zone change of the Industrial Development Site from Single-Family Residential (RS-20M) to Light Industrial (M1) as a municipal exercise to achieve consistency of land use development in accordance with the City of Chino's existing General Plan Light Industrial land use designation of the site.

3.16 RECREATION

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. 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. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. 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?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The City maintains a performance standard of 3 acres for every 1,000 residents. Although the 22 employees generated by the industrial development could elect to utilize the City's park facilities, development of the Industrial Development Site would not involve the addition of any housing units that would permanently increase the City's population, and it is speculative to assume the number of employees who would reside in the City. The closest park to the Industrial Development Site is Walnut Park located at 4600 Walnut Avenue, 1.5 miles southeast of the site. This park is open to the public, and the amenities include restrooms, playgrounds, and open space. The applicant would be required to pay applicable development fees to offset impacts from deterioration to parks and recreation facilities in the City.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. The annexation action would not increase the population within the annexation area, except for the 22 employees generated by development of the Industrial Development Site. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and would be required to pay applicable development fees when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Based on the discussion and analysis above, development of the proposed project would not create a significant increase in the use of existing neighborhood, regional parks, or other recreational facilities. Impacts would be **less than significant**, and mitigation is not required.

b. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The City's General Plan indicates the City has approximately 228 acres of parkland and is required to have at least 202 acres of parkland to meet the City's standard.²⁰² Therefore, the City currently exceeds its performance standard of 3 acres for every 1,000 residents by approximately 26 acres of parkland citywide. Since the industrial development is consistent with the City General Plan, zoning ordinance,²⁰³ and City growth projections, it is not expected to require construction of new or expansion of existing park facilities.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. As mentioned above, the industrial development would not require construction of new or expansion of existing park facilities. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Based on the above discussion and analysis, the proposed project is not expected to require new or expansion of existing park facilities. Impacts would be **less than significant**, and mitigation is not required.

²⁰² City of Chino. City of Chino General Plan. *Parks and Recreation Element*. Page PR-3. May 2010.

²⁰³ The Industrial Development Site has a San Bernardino County zoning designation of Single-Family Residential (RS-20M) but is within the City of Chino Sphere of Influence and has a land use designation of Light Industrial per the Chino General Plan. Accordingly, the industrial development would include a zone change of the Industrial Development Site from Single-Family Residential (RS-20M) to Light Industrial (M1) as a municipal exercise to achieve consistency of land use development in accordance with the City of Chino's existing General Plan Light Industrial land use designation of the site.

3.17 TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 <i>CEQA Guidelines</i> 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 intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than Significant Impact.

Discussion of Effect:

Industrial Development Site:

Traffic Circulation. *CEQA Guidelines* Section 15064.3 describes specific considerations for evaluating a project's transportation impacts and provides that, except for roadway capacity projects, a project's effect on automobile delay shall not constitute a significant environmental impact (*CEQA Guidelines*, Section 15064.3(a)). *CEQA Guidelines* Section 15064.3 further specifies that "vehicle miles traveled is the most appropriate measure of transportation impacts." Therefore, the following discussion of consistency with plans, programs, ordinances, or policies addressing the circulation system is based on the project's ability to foster alternative modes of transportation, as well as level of service (LOS) for vehicle operation, for the purpose of minimizing traffic congestion pursuant to goals established in the General Plan Circulation Element and not pursuant to CEQA.

A Traffic Impact Analysis (TIA) was prepared in 2021 for the industrial development to evaluate the industrial development's compliance with the City of Chino TIA Guidelines (December 2020)²⁰⁴ and applicable General Plan consistency requirements pertaining to the circulation system (Appendix B1).²⁰⁵

The project-specific TIA examines traffic operations in the vicinity of the Industrial Development Site under the following three scenarios: (1) Existing (2020) without Project Conditions; (2) Existing (2020) with Project Conditions; and (3) Opening Year (2022) with Project Conditions. The following study intersections were identified via the Scoping Agreement process:

²⁰⁴ City of Chino. *City of Chino Traffic Impact Analysis Guidelines*. December 2020.

²⁰⁵ Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. February 22, 2021 (Appendix B1).

1. Reservoir Street/Philadelphia Street;
2. East End Avenue/Philadelphia Street;
3. Pipeline Avenue/Philadelphia Street;
4. East End Avenue/Walnut Street;
5. Project Driveway 1/Philadelphia Street;
6. Project Driveway 2/East End Avenue; and
7. Project Driveway 3/East End Avenue.

Subsequent to preparation of the TIA in 2021 (refer to Appendix B1), updates to the City's reasonably foreseeable cumulative projects in 2023 (i.e., CarMax Auto Auction proposed on the southwest quadrant of East End Avenue and Francis Avenue) necessitated preparation of a Supplemental TIA to evaluate a Near Term (2025) with Project Conditions using an ambient growth factor and future cumulative projects in the study area consistent with the cumulative projects list contained in the approved 2021 TIA, plus the proposed CarMax Auto Auction (Appendix B2).²⁰⁶

In order to develop the baseline peak hour traffic volume data for the passenger car equivalency (PCE) roadway segment analysis, seven days of daily roadway classification traffic counts were collected from April 14, 2023 through April 20, 2023 consisting of autos, trucks (by classification), bikes, and pedestrians at the following study roadway segments identified for the Near Term (2025) scenario via the Scoping Agreement process:

8. East End Avenue between Francis Avenue and Philadelphia Street
9. East End Avenue between Philadelphia Street and County Road
10. Philadelphia Street between Reservoir Street and East End Avenue
11. Philadelphia Street between East End Avenue and Roswell Avenue

Adequacy of turning radii at the study intersections for truck ingress/egress was analyzed since the Industrial Development Site would be accessed by freight trucks. The 2021 TIA (Appendix B1) indicates there is adequate turning radii for both ingress and egress movements at the intersections of East End Avenue/Philadelphia Street and all three project driveways. Additionally, adequate space is available on site for the trucks to park during loading and unloading operations.

Study intersections and roadway segments analyzed in this section are under the jurisdiction of the City of Chino. The City uses level of service (LOS) D as its minimum level of service criteria for intersections and roadway segments. Therefore, intersections operating at LOS E or F are considered deficient. Additionally, the City of Chino indicates that a project would not meet the LOS standard if

²⁰⁶ Linscott, Law & Greenspan Engineers (LLG). *Supplemental Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. June 20, 2023 (Appendix B2).

the pre-project condition is at or better than the minimum acceptable LOS and the addition of project trips results in unacceptable LOS.²⁰⁷

As part of the 2021 TIA (Appendix B1), an LOS analysis was conducted for existing without project and existing with project conditions to determine intersection performance. Using rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 10th Edition, for land use 150 – Warehousing, the industrial development is expected to generate 147 daily trips with 33 trips occurring during the a.m. peak hour and 36 trips occurring during the p.m. peak hour. Of the 147 daily trips generated by the industrial development, 29 daily trips (20 percent) are expected to be multiple-axle truck trips.²⁰⁸ When multiple-axle truck volumes are converted to Passenger Car Equivalents (PCEs),²⁰⁹ the daily traffic volume generated by the proposed industrial development would be 187 daily trips with 41 trips occurring during the a.m. peak hour and 46 trips occurring during the p.m. peak hour.

As detailed in Table 3.17.A, all intersections currently operate at an acceptable level of service (LOS D or better during a.m. peak hour and during p.m. peak hour) without the project and would continue to operate at an acceptable level of service (LOS D or better) during a.m. peak hour and during p.m. peak hour with the project. Therefore, mitigation is not required.

Table 3.17.A: Existing (2020) Intersection Levels of Service

Intersection	Level of Service Standard	Without Project		With Project		Significant Impact
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
1. Reservoir Street/Philadelphia Street	D	C	B	C	C	No
2. East End Avenue/Philadelphia Street	D	C	C	C	D	No
3. Pipeline Avenue/Philadelphia Street	D	C	C	C	C	No
4. East End Avenue/Walnut Avenue	D	C	C	C	C	No
5. Project Driveway 1/Philadelphia Street	D	-	-	B	B	No
6. Project Driveway 2/East End Avenue	D	-	-	B	B	No
7. Project Driveway 3/East End Avenue	D	-	-	B	B	No

Source: Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Table 7-1: Existing Conditions Peak Hour Intersection Capacity Analysis Summary. Table 13-1. Peak Hour Project Driveway Capacity Analysis Summary. February 22, 2021 (Appendix B).

An LOS analysis was conducted for opening year (2022) without project and opening year (2022) with project conditions to determine intersection performance. As detailed in Table 3.17.B, the East End Avenue/Philadelphia Street intersection is forecast to operate at an unsatisfactory level of service (LOS E during p.m. peak hour) with project conditions and without project conditions. Therefore, the

²⁰⁷ Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Page 7. February 22, 2021 (Appendix B1).

²⁰⁸ *Ibid.* Table 5-1.

²⁰⁹ The concept of passenger car equivalents (PCEs) accounts for the larger impact of trucks on traffic operations. It does so by assigning each type of truck a PCE factor that represents the number of passenger vehicles that could travel through an intersection in the same time that a particular type of truck could.

proposed industrial development would contribute to an adverse cumulative effect at this intersection, and mitigation is required.

Table 3.17.B: Opening Year (2022) Intersection Levels of Service

Intersection	Level of Service Standard	Without Project		With Project		Significant Impact
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
1. Reservoir Street/Philadelphia Street	D	C	C	C	C	No
2. East End Avenue/Philadelphia Street	D	C	E	C	E	Yes
3. Pipeline Avenue/Philadelphia Street	D	C	C	C	C	No
4. East End Avenue/Walnut Avenue	D	C	C	C	C	No
5. Project Driveway 1/Philadelphia Street	D	-	-	B	B	No
6. Project Driveway 2/East End Avenue	D	-	-	B	B	No
7. Project Driveway 3/East End Avenue	D	-	-	B	B	No

Source: Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Table 8-1: 2022 Conditions Peak Hour Intersection Capacity Analysis Summary. Table 13-1. Peak Hour Project Driveway Capacity Analysis Summary. February 22, 2021 (Appendix B).

A peak hour signal warrant analysis was conducted at the intersection of East End Avenue/Philadelphia Street under opening year (2022) conditions to consider the feasibility of installing a signal as an improvement. The peak hour signal warrant is intended for use where traffic conditions are such that for a minimum of one hour on an average day, the minor-street traffic suffers undue delay when entering or crossing the major street. As detailed in the project-specific TIA, a signal is warranted at the intersection of East End Avenue/Philadelphia Street under opening year (2022) with project conditions.²¹⁰

Table 3.17.C lists the intersection improvements required to meet the City's level of service standard and offset project impacts under opening year (2022) with project conditions for the East End Avenue/Philadelphia Street intersection.

Table 3.17.C: Recommended Improvements¹

Intersection	Opening Year (2022) with Project Improvements
2. East End Avenue/Philadelphia Street	Install a traffic signal and design for two-phase operation. Stripe crosswalks on all legs.

Source: Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Page 26. February 22, 2021 (Appendix B).

¹ The conceptual design of these improvements is illustrated in Figure 10-1 of Appendix B.

Circulation Improvements and Funding Sources. Where the project results in an adverse LOS on the roadway network and the City does not have a Development Impact Fee Program for a specific improvement, the project would pay its respective fair share for the proposed improvement. As

²¹⁰ The concept of passenger car equivalents (PCEs) accounts for the larger impact of trucks on traffic operations. It does so by assigning each type of truck a PCE factor that represents the number of passenger vehicles that could travel through an intersection in the same time that a particular type of truck could. Section 11.1 and Table 11-1.

shown in Table 3.17.D, the project's fair share has been calculated based on project traffic as a percentage of total growth from Existing to Opening Year Cumulative (2022) conditions. Since the project has a cumulative operational deficiency at the intersection of East End Avenue/Philadelphia Street, the project would be required to pay its fair share toward improvements at this intersection to reach acceptable LOS.

Table 3.17.D: Year 2022 with Project Traffic Conditions Intersection Fair Share Contribution

Key Intersection	Impacted Time Period	(1) Existing Traffic	(2) Project Traffic	(3) Year 2022 with Project Traffic	(4) Project Fair Share Responsibility
2. East End Avenue/Philadelphia Street	AM	--	--	--	--
	PM	1,254	26	1,348	27.66%

Source: Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Table 12-1. February 22, 2021 (Appendix B).

Notes: Net Project Percent Increase (4) = Column (2) / [Column (3) – Column (1)]

Based on the LOS analysis for Opening Year (2022) without project and with project scenarios, the Traffic Impact Analysis recommended installation of a signal at the East End Avenue/Philadelphia Street intersection, which has been incorporated into the project design detailed in Section 2.2.3 above. The signal would be installed prior to occupancy of the Industrial Development Site, and the project applicant would enter into a reimbursement agreement with the City of Chino to be reimbursed the cost of this improvement minus the fair-share amount of 27.66 percent as identified in the Traffic Impact Analysis for the project.²¹¹

As detailed in Table 3.17.E, implementation of the recommended improvements to the East End Avenue/Philadelphia Street intersection would improve the LOS at the intersection to satisfactory levels for opening year (2022).

Table 3.17.E: Opening Year (2022) with Project Recommended Improvements Intersection Levels of Service

Intersection	Level of Service Standard	With Project Without Improvements		With Project With Improvements		Significant Impact
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
Opening Year (2022)						
2. East End Avenue/ Philadelphia Street	D	C	E	B	B	No

Source: Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Table 8-1: Year 2022 Conditions Peak Hour Intersection Capacity Analysis Summary. (Appendix B).

Supplemental Traffic Impact Analysis for Near Term Year 2025. As part of the 2023 Supplemental TIA (Appendix B2), an LOS analysis was conducted for existing without project and existing with project conditions to determine roadway segment performance. Using rates from the Institute of

²¹¹ Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Table 12-1. February 22, 2021 (Appendix B).

Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition, for land use 150 – Warehousing, the industrial development is expected to generate 139 daily trips with 31 trips occurring during the a.m. peak hour and 34 trips occurring during the p.m. peak hour. Of the 139 daily trips generated by the industrial development, 27 daily trips (19.4 percent) are expected to be multiple-axle truck trips.²¹² When multiple-axle truck volumes are converted to Passenger Car Equivalents (PCEs),²¹³ the daily traffic volume generated by the proposed industrial development would be 177 daily trips with 39 trips occurring during the a.m. peak hour and 43 trips occurring during the p.m. peak hour.²¹⁴

Table 3.17.F, summarizes the daily roadway segment level of service results at the four study area roadway segments for Year 2025 traffic conditions without and with the project.

Table 3.17.F: Near Term Year (2025) Daily Roadway Segment Analysis Levels of Service

Roadway Segment ¹	Existing Conditions			Year 2025 without Project Conditions			Year 2025 with Project Conditions			Deficiency	
	Daily Volume	V/C Ratio	LOS	Daily Volume	V/C Ratio	LOS	Daily Volume	V/C Ratio	LOS	V/C Increase	Significant?
8. East End Avenue, between Francis Avenue and Philadelphia Street	9,713	0.694	B	10,177	0.727	C	10,193	0.728	C	0.001	No
9. East End Avenue, between Philadelphia Street and County Road	10,114	0.722	C	10,551	0.754	C	10,559	0.754	C	0.000	No
10. Philadelphia Street, between Reservoir Street and East End Avenue	7,672	0.548	A	8,142	0.582	A	8,236	0.588	A	0.006	No
11. Philadelphia Street, between East End Avenue and Roswell Avenue	8,163	0.583	A	8,674	0.620	B	8,733	0.624	B	0.004	No

Source: Linscott, Law & Greenspan Engineers (LLG). *Supplemental Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Table 6: Year 2025 Conditions Daily Roadway Segment Analysis Summary. June 20, 2023 (Appendix B2).

1 All study area roadway segments are secondary arterials with 14,000 vehicles per day LOS capacity and consist of two undivided lanes.

As shown in Table 3.17.F, the increase in traffic due to the added daily project trips would not result in an adverse level of service.

²¹² *Ibid.* Table 5-1.

²¹³ The concept of passenger car equivalents (PCEs) accounts for the larger impact of trucks on traffic operations. It does so by assigning each type of truck a PCE factor that represents the number of passenger vehicles that could travel through an intersection in the same time that a particular type of truck could.

²¹⁴ The updated trip generation estimates in the Supplemental TIA are lower than those forecasted in the approved 2021 TIA due to the updated rates provided in the ITE 11th Edition *Trip Generation Manual*. Therefore, the project-generated passenger vehicle and truck trips for Existing (2020) with Project Conditions, Existing (2020) with Project Conditions, and Opening Year (2022) with Project Conditions are overestimated for those scenarios for a conservative analysis.

Table 3.17.G, summarizes the a.m. peak hour and p.m. peak hour roadway segment level of service results at the four study area roadway segments for Year 2025 traffic conditions without and with the project.

Table 3.17.G: Near Term Year (2025) Peak Hour Roadway Segment Analysis Levels of Service

Roadway Segment ¹	Approach	Time Period	Total Link Capacity (Vehicles per Hour)	Year 2025 without Project Conditions				Year 2025 with Project Conditions			
				Peak Hour Volume	V/C Ratio	LOS	Deficient (Yes/No)	Peak Hour Volume	V/C Ratio	LOS	Deficient (Yes/No)
8. East End Avenue, between Francis Avenue and Philadelphia Street	Northbound	AM	3,200	347	0.108	A	No	347	0.108	A	No
		PM	3,200	452	0.141	A	No	456	1.143	A	No
	Southbound	AM	1,600	311	0.194	A	No	315	0.197	A	No
		PM	1,600	388	0.243	A	No	388	0.243	A	No
9. East End Avenue, between Philadelphia Street and County Road	Northbound	AM	1,600	330	0.206	A	No	331	0.207	A	No
		PM	1,600	525	0.328	A	No	525	0.328	A	No
	Southbound	AM	1,600	430	0.269	A	No	430	0.269	A	No
		PM	1,600	365	0.228	A	No	366	0.229	A	No
10. Philadelphia Street, between Reservoir Street and East End Avenue	Eastbound	AM	1,600	350	0.219	A	No	365	0.228	A	No
		PM	1,600	472	0.295	A	No	480	0.300	A	No
	Westbound	AM	1,600	247	0.154	A	No	252	0.158	A	No
		PM	1,600	302	0.189	A	No	317	0.198	A	No
11. Philadelphia Street, between East End Avenue and Roswell Avenue	Eastbound	AM	1,600	359	0.224	A	No	362	0.226	A	No
		PM	1,600	250	0.156	A	No	259	0.162	A	No
	Westbound	AM	1,600	188	0.118	A	No	197	0.123	A	No
		PM	1,600	526	0.329	A	No	531	0.332	A	No

Source: Linscott, Law & Greenspan Engineers (LLG). *Supplemental Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California.*
Table 7: Year 2025 Conditions Peak Hour Roadway Segment Analysis Summary. June 20, 2023 (Appendix B2).

All study area roadway segments are secondary arterials, and each approach supports 1,600 vehicles per hour per lane link capacity.

As shown in Table 3.17.G, the increase in traffic due to the added peak hour project trips would not result in an adverse level of service.

Pedestrian System. There are no sidewalks along the Industrial Development Site's frontage with East End Avenue to the east or Philadelphia Street to the south. In the site's vicinity, sidewalks exist briefly along the east side of East End Avenue along the frontage of residential buildings. Generally, pedestrian facilities in proximity to the Industrial Development Site are fragmented and do not facilitate adequate pedestrian access from the site to neighboring commercial land uses.

The industrial development includes frontage improvements along East End Avenue and Philadelphia Street to include curb and gutter, sidewalks, street trees, and lighting. Additionally, implementation of a four-way traffic signal at the East End Avenue and Philadelphia Street intersection that would include a crosswalk at the southeast corner of the site near project driveways along East End Avenue and Philadelphia Street would facilitate pedestrian access and reduce the existing pedestrian system gap in the site vicinity pursuant to City General Plan Objective TRA-11.1, Policy 3. Accordingly, implementation of the proposed industrial development would not conflict with a program, plan, ordinance, or policy addressing the pedestrian system.

Transit Services. Public transit is provided to the Industrial Development Site via Foothill Transit Line 195 at the intersection of S. Reservoir Street and Philadelphia Street 0.35 mile west of the site. By introducing employment generating uses in proximity to an existing bus stop, the industrial development would facilitate increased transit mobility in the site vicinity. The proposed industrial development would be site specific and would not require new transit stops or the significant relocation of existing transit stops. Implementation of the proposed industrial development would not conflict with a program, plan, ordinance, or policy addressing the transit services system.

Bicycle Facilities: Bicycle access to the site is provided via Class III bike facilities along Philadelphia Street and East End Avenue. Development of the Industrial Development Site includes half-width buildout of Philadelphia Street and East End Avenue pursuant to the City's General Plan designation for a Secondary Arterial Street to provide additional road width for vehicles and bicycles to co-operate and further facilitate bicycle connectivity in the community. Additionally, the industrial development includes five designated bicycle parking spaces in accordance with City General Plan Objectives TRA-10.1, Policy 2 and TRA-10.2, Policy 3. Implementation of the proposed industrial development would not conflict with a program, plan, ordinance, or policy addressing Chino's bicycle facilities system.

By installing a signal at the East End Avenue/Philadelphia Street intersection, which has been incorporated into the project design detailed in Section 2.2.3 above, LOS would improve at the affected intersection, and operation of the Industrial Development Site would not conflict with a program, plan, ordinance, or policy addressing Chino's circulation System.

East End Annexation: This analysis examines traffic operations in the vicinity of the proposed project under the long-term traffic scenario, Year 2040 with project conditions, as part of the annexation analysis. The following study intersections were identified via the Scoping Agreement process as part of the annexation analysis:

1. Reservoir Street/Philadelphia Street;
2. East End Avenue/Philadelphia Street;
3. Pipeline Avenue/Philadelphia Street;
4. East End Avenue/Walnut Street;
5. East End Avenue/Francis Avenue;
6. Ramona Avenue/Philadelphia Street;
7. Project Driveway 1/Philadelphia Street;

8. Project Driveway 2/East End Avenue; and
9. Project Driveway 3/East End Avenue.

An LOS analysis was conducted for Year 2040 with project conditions to determine intersection performance to analyze the annexation of the 56.87 East End Annexation area. As detailed in Table 3.17.H, the East End Avenue/Philadelphia Street intersection is forecast to operate at an unsatisfactory level of service (LOS F during a.m. peak hour and p.m. peak hour) with the project, which worsens the LOS forecast for this intersection during a.m. and p.m. peak hour with the project in Opening Year 2022 (see Table 3.17.B.). The intersection at East End Avenue/Walnut Avenue also is forecast to operate at an unsatisfactory level of service (LOS E during a.m. peak hour and LOS F during p.m. peak hour) with the project, whereas this intersection was forecast to operate at an acceptable level of service (LOS C) with the project in Opening Year 2022 (see Table 3.17.B). Additionally, the Ramona Avenue/Philadelphia Street intersection is forecast to operate at an unsatisfactory level of service (LOS F during a.m. peak hour and p.m. peak hour) with the project. Therefore, the proposed project would cause an adverse cumulative effect at these three intersections.

Table 3.17.H: Year 2040 Intersection Levels of Service

Intersection	Level of Service Standard	With Project		Significant Impact
		AM Peak Hour	PM Peak Hour	
1. Reservoir Street/Philadelphia Street	D	C	C	No
2. East End Avenue/Philadelphia Street	D	F	F	Yes
3. Pipeline Avenue/Philadelphia Street	D	C	C	No
4. East End Avenue/Walnut Avenue	D	E	F	Yes
5. East End Avenue/Francis Avenue	D	F	F	Yes
6. Ramona Avenue/Philadelphia Street	D	C	C	No
A. Project Driveway 1/Philadelphia Street	D	B	B	No
B. Project Driveway 2/East End Avenue	D	B	B	No
C. Project Driveway 3/East End Avenue	D	B	B	No

Source: Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Table 9-1: Year 2040 Conditions Peak Hour Intersection Capacity Analysis Summary. Table 13-1. Peak Hour Project Driveway Capacity Analysis Summary February 22, 2021 (Appendix B).

A peak hour signal warrant analysis was conducted at three intersections, including East End Avenue/Philadelphia Street, East End Avenue/Walnut Avenue, and East End Avenue/Francis Avenue under Year 2040 with project conditions to consider the feasibility of installing a signal as an improvement. As detailed in the project-specific TIA, a signal is warranted at these three intersections under Year 2040 with project conditions.²¹⁵

Table 3.17.I lists the intersection improvements required to meet the City's level of service standard and offset project impacts under Year 2040 with Project conditions for the intersections East End Avenue/Philadelphia Street, East End Avenue/Walnut Avenue, and East End Avenue/Francis Avenue.

²¹⁵ Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Section 11.2, Table 11-1, and Table 12-1. February 22, 2021 (Appendix B).

Table 3.17.I: Recommended Improvements¹

Intersection	Year 2040 with Project Improvements
2. East End Avenue/Philadelphia Street	No additional improvements are required beyond what is required under Opening Year with Project conditions. ²
4. East End Avenue/Walnut Avenue	Install a traffic signal and design for two-phase operation. Stripe crosswalks on all legs.
5. East End Avenue/Francis Avenue	Install a traffic signal and design for two-phase operation. Stripe crosswalks on all legs.

Source: Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Pages 26-27. February 22, 2021 (Appendix B).

¹ The conceptual design of these improvements is illustrated in Figure 10-1 of Appendix B.

² See Table 3.17.C.

Circulation Improvements and Funding Sources. Where the project results in an adverse LOS on the roadway network and the City does not have a Development Impact Fee Program for a specific improvement, the project would pay its respective fair share for the proposed improvement. As shown in Table 3.17.J, the project's fair share has been calculated based on project traffic as a percentage of total growth from Existing to Year 2040 cumulative conditions. Since the project has a cumulative operational deficiency at the intersections of East End Avenue/Philadelphia Street, East End Avenue/Walnut Avenue, and East End Avenue/Francis Avenue, the project would be required to pay its fair share toward improvements at these intersections to reach acceptable LOS.

Table 3.17.J: Year 2040 with Project Traffic Conditions Intersection Fair Share Contribution

Key Intersection	Impacted Time Period	(1) Existing Traffic	(2) Project Traffic	(3) Year 2040 with Project Traffic	(4) Project Fair Share Responsibility ¹
2. East End Avenue/Philadelphia Street	AM	1,106	24	1,571	5.16%
	PM	1,254	26	1,785	4.90%
4. East End Avenue/Walnut Avenue	AM	1,028	1	1,329	0.33%
	PM	1,068	1	1,446	0.26%
5. East End Avenue/Francis Avenue	AM	940	4	1,678	0.54%
	PM	920	4	1,992	0.37%

Source: Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Table 12-2. February 22, 2021 (Appendix B).

Notes: Net Project Percent Increase (4) = Column (2) / [Column (3) – Column (1)]

¹ **Bold Project Fair Share** is based on the worst-case scenario.

The TIA prescribes three improvements for the Year 2040 with project scenario to ensure all study intersections operate at acceptable LOS. One of these improvements regards payment of fair-share to install a four-way traffic signal, design for a two-phase operation, and stripe crosswalks on all legs at the East End Avenue and Philadelphia Street intersection. However, this improvement prescribed under the Year 2040 with project scenario is addressed to a greater degree by the Industrial Development Site's Opening Year condition under which a signal at the East End Avenue/Philadelphia Street intersection is incorporated into the project design detailed in Section 2.2.3 above. The signal would be installed prior to occupancy of the Industrial Development Site, and the project applicant would enter into a reimbursement agreement with the City of Chino to be reimbursed the cost of this improvement minus the fair-share amount of 27.66 percent as identified in the Traffic Impact Analysis

for the project.²¹⁶ Thus, by satisfying the Industrial Development Site's Opening Year requirement, the Year 2040 with project scenario requirement to signalize the East End Avenue and Philadelphia Street intersection would be fulfilled, and a project-specific condition for the Year 2040 with project scenario for this intersection is not required.

The following improvements identified as project-Specific Conditions of Approval are prescribed at study area intersections where an operational deficiency has been identified:

Standard Condition T-1 The project applicant shall pay the fair-share amount of 0.33 percent as identified in the Traffic Study for the project to install a four-way traffic signal, design for a two-phase operation, and stripe crosswalks on all legs at the East End Avenue and Walnut Avenue intersection. The specific design shall be approved by the City Engineer in the final engineering phase.

Standard Condition T-2 The project applicant shall pay the fair-share amount of 0.54 percent as identified in the Traffic Study for the project to install a four-way traffic signal, design for a two-phase operation, and stripe crosswalks on all legs at the East End Avenue and Francis Avenue intersection. The specific design shall be approved by the City Engineer in the final engineering phase.

As detailed in Table 3.17.K, implementation of the recommended improvements to intersections of East End Avenue/Philadelphia Street, East End Avenue/Walnut Avenue, and East End Avenue as prescribed in **Standard Condition T-1** and **Standard Condition T-2**, would improve the LOS at these intersections to satisfactory levels for Year 2040 with project conditions.

Table 3.17.K: Year 2040 with Project Recommended Improvements Intersection Levels of Service

Intersection	Level of Service Standard	With Project Without Improvements		With Project With Improvements		Significant Impact
		AM Peak Hour	PM Peak Hour	AM Peak Hour	PM Peak Hour	
Year 2040						
2. East End Avenue/Philadelphia Street	D	F	F	B	B	No
4. East End Avenue/Walnut Avenue	D	E	F	B	B	No
5. East End Avenue/Francis Avenue	D	F	F	B	B	No

Source: Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Table 9-1: Year 2040 Conditions Peak Hour Intersection Capacity Analysis Summary. February 22, 2021 (Appendix B).

Significance Conclusion: With implementation of **Standard Condition T-1** and **Standard Condition T-2**, LOS would improve at the affected intersections, and the project would not conflict with a program,

²¹⁶ Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Table 12-1. February 22, 2021 (Appendix B).

plan, ordinance, or policy addressing Chino's circulation System. Impacts would be **less than significant**, and mitigation is not required.

b. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less than Significant Impact.

Discussion of Effect:

Industrial Development Site: *CEQA Guidelines* Section 15064.3, subdivision (b) establishes "vehicle miles traveled" criteria in lieu of LOS for analyzing transportation impacts and was signed into law as Senate Bill (SB) 743 in 2013. However, the City's General Plan identifies intersection thresholds of significance in accordance with multi-modal LOS, and the proposed industrial development is anticipated to add 187 daily trips with 41 trips occurring during the a.m. peak hour and 46 trips occurring during the p.m. peak hour when multiple-axle truck volumes are converted to PCEs.

As detailed in Section 3.17, Threshold a, the industrial development would facilitate access to alternative, shared, and community transportation opportunities that satisfy key policies of the General Plan that reduce vehicle miles traveled (VMT) without generating a substantial unanticipated increase in population. The Governor's Office of Planning and Research (OPR) approved regulatory changes to the *CEQA Guidelines* that implement SB 743 on December 28, 2018. However, lead agencies were able to use LOS for analyzing transportation impacts until July 1, 2020. Pursuant to SB 743, the City adopted VMT Impact Thresholds (Resolution 2020-0019) on June 16, 2020 to analyze a project's transportation impacts. The City's VMT Impact Thresholds is generally consistent with the OPR's *Technical Advisory for Evaluating Transportation Impacts in CEQA* (dated December 2018), which provides additional detail on the language and approach used in the project-specific TIA's Technical Memorandum to demonstrate compliance with SB 743.

The San Bernardino County Transportation Authority (SBCTA) developed a VMT Impact Screening Tool to be used to determine potential VMT impacts associated with land use projects in the City of Chino. Based on the City's *VMT Impact Thresholds*, a significant VMT impact would occur if the project's parcel (Year 2022 project completion), daily total VMT per service population (VMT/SP) is higher than the citywide average daily total VMT per service population under General Plan Horizon Year Conditions of 34.4 VMT per service population.

According to the project-specific TIA's Technical Memorandum, the proposed industrial development has a project parcel (Year 2022 project completion) daily total VMT/SP of 26.1, which is less than the citywide average daily total VMT per service population under General Plan Horizon Year Conditions (34.4 VMT/SP).²¹⁷

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline

²¹⁷ Linscott, Law & Greenspan Engineers (LLG). *Traffic Impact Analysis, Philadelphia Street Industrial Center, Chino, California*. Page 37 and Table 12-1. February 22, 2021 (Appendix B).

conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and compliance with SB 734 when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: As discussed and analyzed above, the industrial development has a daily total VMT/SP of 26.1, which is less than the citywide average daily total VMT/SP of 34.4 under General Plan Horizon Year conditions. Therefore, the proposed project would have a **less than significant** VMT impact, and mitigation is not required.

c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: Roadway improvements in and around the Industrial Development Site would be designed and constructed to satisfy all City requirements for street widths, corner radii, intersection control, as well as incorporate design standards tailored specifically to site access requirements pursuant to Chapter 19.06.040 (Street design and improvements) of the City Municipal Code. Entrances and exits to and from parking and loading facilities would be marked clearly with appropriate directional signage where multiple access points are provided. All site access points and driveway aprons are designed and would be constructed to adequate widths for public safety pursuant to City Municipal Code Chapter 20.18.050 (Parking design standards). Off site, the industrial development would dedicate and widen Philadelphia Street and East End Avenue to ultimate half-width per the General Plan standard for a Secondary Arterial Street, and install asphalt concrete, curb, gutter, sidewalk, landscaping, streetlights, and trees along the Industrial Development Site frontage of Philadelphia Street and East End Avenue. The City, at final plan check, would ensure that all improvements associated with the Industrial Development Site are consistent with City standards and requirements.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Adherence to applicable City requirements would ensure the proposed development would not include any sharp curves or dangerous intersections. Therefore, no substantial increase in hazards due to a design feature would occur. Impacts are **less than significant**, and mitigation is not required.

d. Result in inadequate emergency access?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site:

Construction. Construction activities that may temporarily restrict vehicular traffic would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. Typical City requirements include prior notification of any lane or road closures with sufficient signage before and during any closures, flag crews with radio communication when necessary to coordinate traffic flow, etc. The warehouse developer would be required to comply with these requirements, which would maintain emergency access and allow for evacuation if needed during construction activities.

Operation. Access to and from the Industrial Development Site is available via Philadelphia Street and East End Avenue. Implementation of the proposed industrial development would increase the number of trucks operating near the site and would generate an increase in the amount and volume of traffic on local and regional roadway networks. In accordance with the California Fire Code, the project applicant is required to design, construct, and maintain structures, roadways, and facilities to maintain appropriate emergency/evacuation access to and from the Industrial Development Site as codified in Chapter 19.06.040 (Street design and improvements) of the City Municipal Code.

Ultimate (full-width) buildout of Philadelphia Street and East End Avenue would be a cooperative effort between the project applicant, the City, and other developers proposing separate projects anticipated to utilize these roadways. These improvements would be subject to compliance with the City Municipal Code sections specified above and would be reviewed by the Chino Valley Independent Fire Protection District (CVIFPD) and the Chino Police Department through the City's general development review process.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and applicable City requirements when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: As discussed and analyzed above, compliance with construction activity requirements would ensure that short-term impacts related to this issue are **less than significant** and mitigation is not required. Additionally, proper site design and compliance with standard and emergency City access requirements would allow for evacuation if necessary during ongoing

warehouse operations. This would ensure that long-term impacts related to this issue are **less than significant**. Mitigation is not required.

3.18 TRIBAL CULTURAL RESOURCES

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

- a. Listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?
- b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

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

- a. **Listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?**

Less than Significant with Mitigation Incorporated

Discussion of Effects:

Industrial Development Site: The term “California Native American tribe” is defined as “a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission (NAHC).”

Chapter 532, Statutes of 2014 (i.e., Assembly Bill 52), requires Lead Agencies evaluate a project’s potential to affect “tribal cultural resources.” Such resources include “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources.” Assembly Bill (AB) 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource qualifies as a “tribal cultural resource.”

CEQA defines a “historical resource” as a resource that meets one or more of the following criteria: (1) is listed in, or determined eligible for listing in, the California Register of Historical Resources (California Register); (2) is listed in a local register of historical resources as defined in PRC Section 5020.1(k); (3) is identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (4) is determined to be a historical resource by a project’s Lead Agency (PRC Section 21084.1 and State *CEQA Guidelines* Section 15064.5[a]).

“Local register of historical resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.

A resource may be listed as a historical resource in the California Register of Historical Resources if it meets any of the following National Register of Historic Places criteria as defined in PRC Section 5024.1(C):

- A. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- B. Is associated with the lives of persons important in our past.
- C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- D. Has yielded, or may be likely to yield, information important in prehistory or history.

A “substantial adverse change” to a historical resource, according to PRC Section 5020.1(q), “means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired.”

CEQA Guidelines do not preclude identification of historical resources as defined in Public Resources Code Sections 5020.1(j) or 5024.1. Pursuant to State *CEQA Guidelines* Section 15064.5[c][4], if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study, but they need not be considered further in the CEQA process.

Per AB 52 (specifically California Public Resources Code 21080.3.1), Native American consultation is required upon request by interested California Native American tribes that have previously requested that the City provide them with notice of such projects. The City mailed notices of the proposed industrial development to interested Native American tribes on April 13, 2021. To date, two tribes, the Fort Yuma Quechan Indian Tribe and the Gabrieleño Band of Mission Indians – Kizh Nation (Kizh) have responded.

The Fort Yuma Quechan Indian Tribe responded to the City via email on April 22, 2021, indicating the Tribe has no comments about the industrial development and would defer decisions on the industrial development to local tribes.

The Kizh responded to the City via email on April 16, 2021, indicating a desire to consult on the industrial development. The City responded to the Kizh via email on September 2, 2021, providing the cultural report conducted for the Industrial Development Site and requested the Tribe to respond with mitigation measures to be incorporated into the industrial development. The Kizh proposed mitigation for potential impacts to Tribal Cultural Resources, which the City has included as **Mitigation Measures TCR-1 through TCR-3** below. With regard to human remains, compliance with State Health and Safety Code Section 7050.5 is required for all development as a matter of regulatory policy and would apply to the industrial development outright regardless of mitigation.

Mitigation Measure TCR-1

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 would complete daily monitoring logs that would 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 would 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 would 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 would recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the

Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

Mitigation Measure TCR-2

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.

Mitigation Measure TCR-3

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 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 would 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 would 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 would 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 would 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 would be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony would 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 would 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.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre industrial development site, and the balance of the annexation area is already developed primarily with industrial uses. Accordingly, there would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development within the balance of the East End Annexation area (53.28 acres) would be required to consult with Native American Tribes pursuant to AB 52 on a project-and site-specific basis.

Significance Conclusion: Upon implementation of **Mitigation Measures TCR-1 through TCR-3**, the project would include provisions for Native American Monitoring of ground-disturbing activities and would be conditioned to cease excavation or construction activities if tribal cultural resources are identified during development of the Industrial Development Site. These measures would ensure further consultation with interested Native American Tribes for the appropriate treatment of Tribal Cultural Resources. Therefore, impacts to Tribal Cultural Resources would be reduced to **less than significant with mitigation incorporated**.

3.19 UTILITIES AND SERVICE SYSTEMS

Would the project:

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

- a. Require or result in the relocation or construction of new or expanded water or wastewater treatment or storm drainage, electrical power, natural gas or telecommunication facilities, the construction of which could cause significant environmental effects?**

Less than Significant with Mitigation Incorporated

Industrial Development Site: Construction and expansion of water, drainage, electric, gas, and telecommunications facilities is described in Section 2.2. The proposed industrial warehouse facilities would interconnect to existing utilities where available within the Philadelphia Street and/or East End Avenue right-of-way. In addition, the industrial development would reconfigure the existing utilities within the right-of-way dedication area by relocating them underground along Philadelphia Street and East End Avenue pursuant to City Municipal Code Section 13.32.030 (Requirement to underground utility devices).

The industrial development also would include multiple on-site catch basin facilities that would drain into two underground detention systems proposed beneath the on-site drive aisles in the western portion of the site west of the warehouse buildings (refer to Figure 6).

The approval of drainage features and other utility improvements occurs through the building plan check process. As part of this process, all project-related drainage features and utility infrastructure would be required to comply with City Municipal Code Title 13 (Water, Sewers, and Utilities) and the

Santa Ana RWQCB standards. On-site project-related drainage features would be designed, installed, and maintained per City MS4 standards and the requirements identified in the Final WQMP (per **Standard Conditions HYD-1 and HYD-2**).

All proposed improvements and interconnection to drainage, electric power, water, and wastewater facilities would be installed simultaneously with finish grading activities and required roadway improvements (Philadelphia Street and East End Avenue) for the industrial development. The areas of potential impact from drainage and utility infrastructure improvements is included in the analytical footprint of this Initial Study and associated technical studies, and impacts are mitigated where necessary to less than significant levels. As a result, interconnection to the existing utilities in the Industrial Development Site's vicinity would not result in substantial disturbance to native habitat or soils, or to the operation of existing roadways and utilities. There would be no significant environmental effects specifically related to the installation of utility interconnections that are not encompassed within the industrial development's construction and operational footprints, and therefore already identified, disclosed, and subject to all applicable mitigation measures, as well as local, State, and federal regulations, as part of this Initial Study.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. Accordingly, there would be no potential for physical environmental effects or reasonable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the 53.28-acre annexation area would be subject to CEQA review and would be required to comply with City Municipal Code Title 13 (Water, Sewers, and Utilities) and Santa Ana RWQCB standards when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Based on the discussion and analysis above, implementation of the proposed project would not require or result in the relocation or construction of new off-site wastewater infrastructure that would cause significant environmental effects. Impacts would be **less than significant**, and mitigation is not required.

b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: As detailed in Section 3.10, Threshold b, the Monte Vista Water District (MVWD)²¹⁸ would supply water to the Industrial Development Site via groundwater supplies from the Chino Basin. To supplement its groundwater supply from the Chino Basin, the District is constructing a treatment facility and planning to construct an additional treatment facility by 2024 to remove

²¹⁸ Monte Vista Water District. *Service Area Map*. <https://www.mvwd.org/DocumentCenter/View/985/Map-of-MVWD-Service-Area> (accessed April 18, 2022).

pollutant contamination within basin wells.²¹⁹ The MVWD also purchases treated imported water from the Water Facilities Authority (WFA), which provides State Water Project (SWP) water purchased from the Metropolitan Water District of Southern California (MWD). Additionally, the MVWD receives entitlement water from the San Antonio Water Company (SAWCo) and includes groundwater from local adjudicated groundwater basins and surface water the San Antonio Creek Watershed.²²⁰ Finally, the MVWD purchases recycled water from the Inland Empire Utilities Agency (IEUA) to supplement its groundwater supply.²²¹

On March 28, 2022, the California Governor issued Executive Order N-7-22, which encourages all Californians and water agencies to restrict water usage, recommends urban water suppliers such as the MVWD to implement stage 2 of its Water Shortage Contingency Plan, restricts new and expansion of existing groundwater wells, and promotes projects that facilitate groundwater recharge.²²² MVWD customers currently are not subject to these restrictions, but are required to comply with restricted uses of drinking water pursuant to District Ordinance 33, which include the following:²²³

- All ratepayers limit outdoor watering to only Tuesdays, Thursdays, and Saturdays between 8 p.m. and 8 a.m.
- All ratepayers repair all leaks within 7 days of discovery.
- No excess runoff from outdoor watering.
- No hosing down driveways, sidewalks, buildings, or parking lots.
- No washing vehicles without a shut-off nozzle.
- No using water in fountains or other water features without recirculation
- All ratepayers not irrigate any landscaping during or within 24 hours following any measurable precipitation.

According to the MVWD Urban Water Management Plant (UWMP), the MVWD anticipates to have sufficient water supplies to meet demand through the year 2045 under normal year, single-dry year, and multiple-dry year conditions.²²⁴ Additionally, MVWD customer compliance with District Ordinance 33 would further reduce water demands within the Water District. The MVWD models each scenario based on the land use and zoning designations of each local jurisdiction it serves. The Industrial Development Site has a San Bernardino County zoning designation of Single-Family Residential (RS-20M) but is within the City of Chino Sphere of Influence and has a land use designation

²¹⁹ Monte Vista Water District. *2020 Urban Water Management Plan*. June 2021. Page 6-32. chrome-extension://efaidnbmnnnibpcajpcgiclfendmkaj/https://www.mvwd.org/DocumentCenter/View/350/2020-Urban-Water-Management-Plan-PDF?bidId= (Accessed July 10, 2022).

²²⁰ *Ibid.* Pages 3-2 through 3-3.

²²¹ *Ibid.* Tables 7-2, 7-3, and 7-4; Page 6-32.

²²² State of California, Executive Department. *Executive Order N-7-22*. March 28, 2022. <https://www.gov.ca.gov/wp-content/uploads/2022/03/March-2022-Drought-EO.pdf> (accessed July 1, 2022).

²²³ Monte Vista Water District. *Water Supply Shortage Declaration*. <https://www.mvwd.org/374/Water-Supply-Shortage-Declaration> (accessed July 1, 2022).

²²⁴ *Ibid.* Page 7-8.

of Light Industrial per the Chino General Plan.²²⁵ The City estimated approximately 141,067 residents, 38,814 households, and 83,255 jobs in the City and its Sphere of Influence by 2025,²²⁶ which exceed the estimates generated by SCAG for the same time period and through 2045.²²⁷ Since the City's General Plan incorporates existing and anticipated development in the Sphere of Influence when projecting future population, housing, and jobs in the City, the proposed Industrial Development Site and East End Annexation area are already accounted for in the water (groundwater) supply and demand scenarios determined by MVWD.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area (53.28 acres) is already developed primarily with industrial uses. The MVWD already provides groundwater supplies to the annexation area and the annexation action would not require additional groundwater supplies beyond what is already supplied to the 53.28-acre annexation area. Future development of any property within the 53.28-acre annexation area would be subject to CEQA review and would be required to demonstrate that sufficient groundwater supplies are available to serve the proposed project when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: As detailed and analyzed in the discussion above, sufficient water supplies would be available to serve the project during normal, dry, and multiple dry years. Impacts would be **less than significant**, and mitigation is not required.

- 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?**

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: The Industrial Development Site is within the sewer service area of the Inland Empire Utilities Agency (IEUA). Operational discharge flows treated by the IEUA would be required to comply with waste discharge requirements for that facility. IEUA serves approximately 830,000 people over 242 square miles in the Western San Bernardino County and provides services to the Cities of Chino, Chino Hills, Fontana, Montclair, Ontario, Upland, and Rancho Cucamonga.²²⁸ IEUA operates four Regional Water Recycling Plants (RPs), including RP-1, RP-4, RP-5, and the Carbon Canyon Water Recycling Facility (CCWRF). IEUA's RP-1 located in the City of Ontario, and RP-5 and the

²²⁵ City of Chino. General Plan 2025. Land Use Element. *Figure LU-2 General Plan Land Use Designations*. July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

²²⁶ City of Chino. *City of Chino General Plan 2025. Project Description*. Table 3-1 Estimated Development Under the General Plan and Focused Growth Plan. Approved and Adopted July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

²²⁷ Southern California Association of Governments (SCAG). 2020. *Connect SoCal 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy*. Website: https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176 (accessed January 2023).

²²⁸ Inland Empire Utilities Agency. *Strategic Plan, Fiscal Years 2015-2019*. Page 4. Updated July 1, 2014.

CCWRF located in the City of Chino treat local wastewater generated by the City of Chino and its Sphere of Influence, including the Industrial Development Site.²²⁹

IEUA's four RPs have a combined treatment capacity of 84 million gallons per day (MGD)²³⁰ and currently treat over 50 MGD.²³¹ RP-1 has a capacity of 44 MGD and treats an average flow of 28 MGD of wastewater, with a surplus capacity of approximately 16 MGD. RP-5 has a capacity of 16.3 MGD, which includes 1.3 MGD of solids processed by RP-2, and treats an average flow of 9 MGD, with a surplus capacity of approximately 7.3 MGD. The CCWRF has a capacity of 11.4 MGD and treats an average flow of 7 MGD, with a surplus capacity of approximately 4.4 MGD.²³² The combined surplus capacity of RP-1, RP-5, and CCWRF is approximately 27.7 MGD.

The average wastewater flow is 100 gallons per person per day.²³³ Under a worst-case scenario where the Industrial Development Site would be occupied 24 hours per day, the industrial development would generate 2,200 gallons of wastewater per day²³⁴ or 803,000 gallons of wastewater per year.²³⁵ The industrial development's estimated wastewater treatment demand represents 0.008 percent of RP-1, RP-5, and CCWRF's combined current daily surplus capacity. Therefore, sufficient surplus treatment capacity is available to serve the Industrial Development Site.

Annexation to IEUA would be necessary before sewer service is established for the Industrial Development Site. A condition of this annexation is the imposition of the standby charges. Overall, this annexation is an administrative and fiscal action, which does not result in a tangible change in the physical environment.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area (53.28 acres) is already developed primarily with industrial uses. Accordingly, the annexation action would not increase the demand for wastewater treatment within the 53.28-acre annexation area. Future development of any property within the 53.28-acre annexation area would be subject to CEQA review and would be required to demonstrate sufficient treatment capacity is available to serve the proposed project when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: As described and analyzed above, sufficient surplus treatment capacity is available to treat wastewater generated by the proposed project. Therefore, annexation impacts to the utility and service systems would be **less than significant**, and mitigation is not required.

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? Be served by

²²⁹ City of Chino. *General Plan Draft Environmental Impact Report*. Page 4.14-22. January 25, 2010.

²³⁰ Inland Empire Utilities Agency. *Strategic Plan, Fiscal Years 2015-2019*. Page 5. Updated July 1, 2014.

²³¹ Inland Empire Utilities Agency. *Fiscal Year 2018/19 Ten-Year Capital Improvement Plan*. Page 13. May 2018.

²³² Inland Empire Utilities Agency. *Facilities*. <https://www.ieua.org/facilities/> (accessed July 10, 2022).

²³³ ESA Associates, Inc. *IEUA Facilities Master Plan Draft Program Environmental Impact Report. SCH #2016061064*. Page 2-38. December 2016.

²³⁴ 100 gallons/person/day × 22 persons = 2,200 gallons per day

²³⁵ 2,200 gallons per day × 365 days/year = 803,000 gallons per year

a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: Solid waste collection is a “demand-responsive” service, and current service levels can be expanded and funded through user fees. Solid waste from the Industrial Development Site would be hauled by Waste Management, Inc. and transferred to the West Valley Materials Recycling Facility (MRF)/Transfer Station. From the MRF, the non-recyclable material would be transferred to regional landfills as available.²³⁶ El Sobrante Landfill has a daily throughput of 16,054 tons with a remaining capacity of 143,977,170 cubic yards.²³⁷

Based on a generation rate of 6.7 pounds per employee per day (22 employees),²³⁸ the industrial development would generate approximately 147.4 pounds of solid waste per day.²³⁹ This amount is equivalent to 0.0046 percent of the daily throughput at El Sobrante Landfill.²⁴⁰ Therefore, the El Sobrante Landfill has adequate capacity to serve the industrial development. As adequate daily surplus capacity exists at the receiving landfill, and the industrial development would comply with local and State waste reduction strategies, the industrial development would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure.

East End Annexation: No physical development is proposed on any property within the East End Annexation, except for the 3.59-acre Industrial Development Site discussed above. Therefore, the annexation action of the remaining 53.28 acres would not increase the demand for solid waste services. Future development of any property within the annexation area would be subject to CEQA review and would be required to comply with local and State reduction strategies when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Based on the above discussion and analysis, the project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Impacts would be **less than significant** and mitigation is not required.

e. Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact

Discussion of Effect:

²³⁶ City of Chino, *Chino General Plan Draft EIR, Section 4.14 Utilities and Infrastructure, Page 4.14-34 through 35*. January 2010..

²³⁷ California Department of Resources Recycling and Recovery (CalRecycle). *Facility/Site Summary Details: El Sobrante Landfill*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2280?siteID=2402> (accessed June 29, 2022).

²³⁸ California Department of Resources Recycling and Recovery (CalRecycle). *State of Disposal and Recycling for Calendar Year 2019*. <https://www2.calrecycle.ca.gov/PublicNotices/Documents/12791> (accessed June 29, 2022).

²³⁹ 6.7 pounds per employee per day × 22 employees = 147.4 pounds of solid waste per day.

²⁴⁰ 147.4 pounds of solid waste per day ÷ 16,054 tons (32,108,000 pounds) daily surplus = 0.0046 percent.

Industrial Development Site: The industrial development is required to coordinate with Waste Management, Inc. which would collect solid waste from the Industrial Development Site and transfer the solid waste to the MRF. The MRF would sort the solid waste into recyclable and non-recyclable waste and would transfer the non-recyclable waste to El Sobrante Landfill for disposal. All development within the City, including the Industrial Development Site, is required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other local, State, and federal solid waste disposal standards.

East End Annexation: No physical development is proposed on any property within the East End Annexation, except for the 3.59-acre Industrial Development Site. Future development of any property within the annexation area would be required to coordinate with Waste Management, Inc. and comply with local, State, and federal solid waste disposal standards when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: The proposed project would comply with applicable federal, State, and local statutes and regulations related to solid waste. Impacts would be **less than significant**, and mitigation is not required.

3.20 WILDFIRE

If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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 a 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 result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose people or structures to significant risks, including downslope or downstream flooding or 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"/>

a. Substantially impair an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: According to the California Department of Forestry and Fire Protection (CAL FIRE), the Industrial Development Site is not located within a wildfire State Responsibility Area, nor is the site classified as a Very High Fire Hazard Severity Zone (VHFHSZ).²⁴¹ The nearest VHFHSZ is located approximately 3.6 miles southwest of the site. The Industrial Development Site is located in an area that is developed with local roads and regional highways that provide adequate access and departure from the area in the event of an emergency, such as a wildfire. The proposed industrial development is designed to comply with the current applicable California Fire Code standards for development for industrial uses, Chino Building Code Standards, and standards as set forth by the CVIFPD. Adequate emergency access points also are included in the design of the Industrial Development Site.

East End Annexation: The East End Annexation area is not located within or near a wildfire State Responsibility Area, nor is the land classified as a VHFHSZ. No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed with industrial uses, local roads, and access to State highways. Therefore, the proposed annexation action would not impair an emergency response or evacuation plan. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and would be required to comply with

²⁴¹ California Department of Forestry and Fire Protection. Fire and Resource Assessment Program (FRAP). FHSZ Viewer. <https://egis.fire.ca.gov/FHSZ/> (accessed April 14, 2022).

applicable CBC and California Fire Code policies when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Based on the above discussion and analysis, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan within a VHFHSZ. Impacts are **less than significant** and mitigation is not required.

b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: As described above, the Industrial Development Site is not located within or near a wildfire State Responsibility Area, nor is the land classified as a VHFHSZ. The land on site and vicinity is relatively flat. Wildfires have the tendency for uncontrolled spread when the terrain is hilly or mountainous and not conducive to practicable firefighting capabilities. The likelihood of uncontrolled spread of a wildfire near or on the Industrial Development Site would be relatively low since the surrounding topography is relatively flat and substantially developed.

San Bernardino County and Chino are subject to seasonal wind events including times during the fall when Santa Ana Wind conditions are prevalent. Santa Ana Wind conditions in the area of the Industrial Development Site typically blow from a northeast to southwest direction (an offshore flow). Wildfires have been recorded to occur in such Santa Ana Wind events sometimes leading to uncontrolled spread of wildfires. CAL FIRE and the San Bernardino County Fire Department have taken these conditions and the locations of Fire Hazard Severity Zones into consideration when determining potential impacts associated with wildfire spread within the City of Chino and surrounding cities. If such a conflagration²⁴² driven by winds were to get out of control, the CVIFPD and San Bernardino County Fire Department have procedures in place to respond to such an emergency and evacuate residents and employees as needed.²⁴³ Additionally, the industrial development would be required to comply with the City's Weed Abatement Program to reduce fire risk.²⁴⁴

Wind events can also result in smoke drift from nearby wildfires resulting in smoke settling in low-lying areas. The City is located in a valley between the San Gabriel Mountains and the Chino Hills; as such, the potential for smoke settlement from nearby wildfires can be expected to occur. Such smoke settlement would be temporary and would more than likely clear out within a couple days of when settlement commenced (based on weather conditions).

East End Annexation: The East End Annexation area is not located within or near a wildfire State Responsibility Area, nor is the land classified as a VHFHSZ. The land within the annexation area and vicinity is primarily developed with industrial uses and is relatively flat. Future development within the annexation area would be subject to CEQA review and would be required to comply with the City's

²⁴² Conflagration is an extensive fire that destroys a great deal of land or property.

²⁴³ Chino Valley Fire District. *2018 Master Plan Update*. Page 20. July 19, 2018.

²⁴⁴ City of Chino. *Final General Plan EIR*. Page 3-9. May 2010.

Weed Abatement Program to deter the risk of wildfires when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Based on the discussion and analysis above, implementation of the proposed project would have a low probability of exposing occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope or prevailing winds. Impacts would be **less than significant**. Mitigation is not required.

c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may result in temporary or ongoing impacts to the environment?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: As described above, the Industrial Development Site is not located within or near a wildfire State Responsibility Area, nor is the land classified as a VHFHSZ. The site plan includes development of three industrial warehouse buildings with office space, on-site utility infrastructure, surface parking lots, and off-site improvements to existing surrounding roads and utility infrastructure. The industrial development would not incorporate infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other non-existing utilities) that may exacerbate fire risk because all improvement would be implemented in an urbanized setting in accordance with the 2022 CBC, California Fire Code, and applicable local ordinances. Additionally, the project would reconfigure the existing utilities within the right-of-way dedication area by relocating them underground along Philadelphia Street and East End Avenue pursuant to City Municipal Code Section 13.32.030 (Requirement to underground utility devices), which would further reduce wildfire risk in the site vicinity.

East End Annexation: The East End Annexation area is not located within or near a wildfire State Responsibility Area, nor is the land classified as a VHFHSZ. The land within the annexation area and vicinity is primarily developed with industrial uses, roads, and utility infrastructure. Future development and improvements within the annexation area would be required to comply with the 2022 CBC, California Fire Code, and applicable local ordinances when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Based on the above discussion and analysis, the proposed project would not incorporate infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other non-existing utilities) that may exacerbate fire risk. Impacts would be **less than significant**, and mitigation is not required.

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?

Less than Significant Impact

Discussion of Effect:

Industrial Development Site: As described above, the Industrial Development Site is not located within or near a wildfire State Responsibility Area, nor is the land classified as a VHFHSZ. According to the City's Local Hazard Mitigation Plan, the Industrial Development Site is not located in flood hazard or inundation zones,²⁴⁵ and the site is not located near bodies of water or enclosed water storage features which could result in tsunamis or seiches. Therefore, risks associated with runoff caused by post-fire slope instability or post-fire drainage change are low.

The Industrial Development Site is located on land that is relatively flat, and the foothills of the Chino Hills are approximately 2.25 miles south of the site. Additionally, the land between the Industrial Development Site and the Chino Hills is developed with residential, commercial, and industrial uses. The distance, slope, and intervening uses between the Industrial Development Site and the foothills of the Chino Hills precludes the site from significant risks due to landslides caused by post-fire slope instability or post-fire drainage changes.

East End Annexation: The East End Annexation is not located within or near a wildfire State Responsibility Area, nor is the land classified as a VHFHSZ. Similar to the Industrial Development Site discussed above, the annexation area is relatively flat and land between the annexation area and the foothills of the Chino Hills is developed with residential, commercial, and industrial uses. The distance, slope, and intervening uses between the annexation area and the foothills of the Chino Hills precludes the annexation area from significant risks due to landslides caused by post-fire slope instability or post-fire drainage changes. Additionally, future development within the 53.28-acre East End Annexation area would be subject to CEQA review to evaluate risks from landslides caused by post-fire slope instability or post-fire drainage changes when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: Based on the above discussion and analysis, the proposed project would not expose persons or structures to post-fire slope instability or post-fire drainage. Impacts would be **less than significant**, and mitigation is not required.

²⁴⁵ City of Chino. *Local Hazard Mitigation Plan*. Figure 4-4: Flood Hazard Map and Figure 4-6: Prado Dam Inundation Map. Approved and Adopted May 15, 2018.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

Does the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Less Than Significant with Mitigation Incorporated

Discussion of Effect:

Industrial Development Site: Implementation of **Mitigation Measures CUL-1 and CUL-2, Mitigation Measures TCR-1 through TCR-3, and Mitigation Measure GEO-2** would ensure that potential impacts to historic, archaeological, tribal, and paleontological sources that could be uncovered during construction activities would be reduced to less than significant levels. Implementation of **Mitigation Measures BIO-1** would ensure that potential impacts to nesting birds are reduced to a less than significant level. Therefore, with the incorporation of mitigation measures, development of the Industrial Development Site would not: (1) degrade the quality of the environment; (2) substantially reduce the habitat of a fish or wildlife species; (3) cause a fish or wildlife species population to drop below self-sustaining levels; (4) threaten to eliminate a plant or animal community; (5) reduce the number or restrict the range of a rare or endangered plant or animal; or (6) eliminate important examples of the major periods of California history.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and compliance with all applicable regulations pertaining to biological, cultural, and paleontological resources.

Significance Conclusion: With implementation of **Mitigation Measures CUL-1 and CUL-2, Mitigation Measures TCR-1 through TCR-3, Mitigation Measure GEO-2, and Mitigation Measures BIO-1**, the project would not 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. This impact would be **less than significant with mitigation incorporated**.

- b. 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.)**

Less Than Significant Impact

Discussion of Effect:

Industrial Development Site: As presented in the discussion of environmental checklist Sections 3.1 through 3.20, development of the Industrial Development Site would have no impact, a less than significant impact, or a less than significant impact after mitigation with respect to all environmental issues.

The Industrial Development Site has a San Bernardino County zoning designation of Single-Family Residential (RS-20M) but is within the City of Chino Sphere of Influence and has a land use designation of Light Industrial per the Chino General Plan.²⁴⁶ Accordingly, the project would include a zone change of the Industrial Development Site from Single-Family Residential (RS-20M) to Light Industrial (M1) as a municipal exercise to achieve consistency of land use development in accordance with the City of Chino’s existing General Plan Light Industrial land use designation of the site (refer to Table 2.2.A: Existing and Proposed Zoning). Because the proposed development of the Industrial Development Site is consistent with the City’s General Plan land use designation for the property, it is also consistent with growth projections of the City and therefore would not directly or indirectly induce unplanned growth in the City. Additionally, the Industrial Development Site is located within an urbanized area

²⁴⁶ City of Chino. General Plan 2025. Land Use Element. *Figure LU-2 General Plan Land Use Designations*. July 2010. <https://cityofchino.org/DocumentCenter/View/415/Chino-General-Plan---04-Land-Use-PDF> (accessed April 13, 2022).

and would be connected to existing municipal roadways and adequate utility infrastructure. Accordingly, the Industrial Development Site is designed to integrate within the City's and region's existing and proposed infrastructure framework, and cumulative overburdening of community infrastructure and service capacity is not expected to occur. Impacts specified throughout this Initial Study are considered project-specific in nature due to the limited scope of direct physical impacts to the environment.

East End Annexation: Annexation from San Bernardino County to City of Chino jurisdiction includes the entire 56.87-acre East End Annexation area, which includes the 3.59-acre Industrial Development Site, as determined by the San Bernardino County Local Agency Formation Commission (LAFCO) to create logical boundaries that improve services therein and to create clear jurisdictional responsibilities (refer to Figure 2). Similar to the 3.59-acre Industrial Development Site, the additional 53.28 acres of surrounding properties would include a zone change from San Bernardino County zoning designations Regional Industrial (IR), Community Industrial (IC), and Single-Family Residential (RS-20M) to City of Chino zoning designation Light Industrial (M1) and General Industrial (M2) (refer to Table 2.2.A: Existing and Proposed Zoning).

The Chino General Plan designation for the overall annexation area already is Light Industrial (LI) and General Industrial (GI). No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. Therefore, there would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review when site-specific development applications are submitted to the City for those properties.

Significance Conclusion: The project in conjunction with other cumulative projects would result in a **less than significant** cumulative impact with respect to all environmental issues. Mitigation is not required.

c. Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant with Mitigation Incorporated

Discussion of Effect:

Industrial Development Site: In general, impacts to human beings are associated with air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise. The South Coast Air Basin is currently designated as a non-attainment area for ozone, PM₁₀, and PM_{2.5}. Development of the Industrial Development Site would not contribute significant amounts of air pollutant emissions on either a short-term or long-term basis. Adherence to SCAQMD dust control measures would further reduce short-term construction air quality impacts, and no site-specific mitigation is required.

Prior to the issuance of a grading permit, the project applicant would be required to submit detailed grading plans and a site-specific geotechnical investigation of the Industrial Development Site prepared in conformance with the current CBC and applicable Chino standards, as codified in **Mitigation Measure GEO-1**. These regulations and conditions require implementation of the recommendations cited in the project-specific Geotechnical Investigation pursuant to the City Municipal Code.

Demolition of the existing structure on the Industrial Development Site must occur in accordance with **Mitigation Measures HAZ-1** through **HAZ-3**, which would ensure any lead or asbestos present would be abated in accordance with applicable regulatory guidelines prior to demolition. Furthermore, any hazardous materials utilized during construction and operation of the Industrial Development Site would be regulated by the CVIFPD and Cal/OSHA. Additionally, the routine transport, use, and disposal of hazardous materials at the site during construction and operation would be performed in accordance with the requirements of CCR Title 8, which would minimize potential health hazards for construction workers, landscapers, maintenance personnel, and residents.

Compliance with construction- and operation-phase storm water requirements, as set forth in **Standard Conditions HYD-1** and **HYD-2**, would ensure post-development storm water runoff volume would not exceed the existing, pre-developed condition. Therefore, development of the Industrial Development Site would not result in substantial erosion or siltation on or off site; substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site, or create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

With implementation of **Mitigation Measure NOI-1**, erection of temporary construction barriers would reduce noise levels to at or below the City's construction noise standard of 70 dBA equivalent continuous sound level (L_{eq}) at the off-site residential properties in proximity to the Industrial Development Site. Furthermore, implementation of **Mitigation Measure NOI-2** would ensure potential vibration generated by construction activities would not result in building damage.

East End Annexation: No physical development is proposed on any property within the East End Annexation area except on the 3.59-acre Industrial Development Site, and the balance of the annexation area is already developed primarily with industrial uses. No change in physical baseline conditions would occur within the remaining 53.28 acres of the annexation area as a result of the project.

There would be no potential for physical environmental effects or reasonably foreseeable indirect environmental effects to the remaining 53.28 acres of surrounding properties under the proposed annexation action. Future development of any property within the remaining 53.28 acres of the annexation area would be subject to CEQA review and compliance with all applicable regulations, including the NFIP Reform Act, NFIP Section 60.3, and California Civil Code Section 1103, to ensure floodplain management pursuant to federal and State law and also ensure future development or redevelopment along the San Antonio Channel would not impede or redirect flood flows.

Significance Conclusion: With implementation of **Mitigation Measure GEO-1**, **Mitigation Measures HAZ-1** through **HAZ-3**, **Standard Conditions HYD-1** and **HYD-2**, and **Mitigation measures NOI-1** and **NOI-2**, potential impacts on human beings would be less than significant with mitigation incorporated.

4.0 LIST OF PREPARERS

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APPENDIX A

AIR QUALITY/GREENHOUSE GAS EMISSIONS (CALIFORNIA EMISSIONS ESTIMATOR MODEL)

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APPENDIX I

NOISE AND VIBRATION ASSESSMENT

APPENDIX J

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APPENDIX K

RESPONSES TO PUBLIC COMMENTS

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO 3268

HEARING DATE: JULY 17, 2024

RESOLUTION NO. 3405

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF SAN BERNARDINO MAKING DETERMINATIONS ON LAFCO 3268, AS MODIFIED, AND APPROVING THE REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF CHINO AND DETACHMENT FROM COUNTY SERVICE AREA 70 (EAST END ANNEXATION).

The reorganization area, as modified, encompasses approximately 65.06 acres and is generally bounded by a combination bounded by the San Bernardino Countyline on the west, Francis Avenue on the north, East End Avenue (portion of existing City of Chino boundary) on the east, and a combination of Philadelphia Street and parcel lines (existing City of Chino boundary) on the south, within the City of Chino's northern sphere of influence.

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

WHEREAS, an application for the proposed reorganization in the County of San Bernardino was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and executed his certificate in accordance with law, determining and certifying that the filings are sufficient; and,

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

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

WHEREAS, the public hearing by this Commission was called for July 17, 2024 at the time and place specified in the notice of public hearing; and,

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WHEREAS, at the hearing, this Commission heard and received all oral and written support and/or opposition; the Commission considered all plans and proposed changes of organization, objections and evidence which were made, presented, or filed; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the application, in evidence presented at the hearing; and,

WHEREAS, it is the Commission's position that a county boundary change would provide for a clear and defined boundary for the three parcels whose structures currently split jurisdiction between San Bernardino and Los Angeles Counties. However, the Commission understands that such a change is not a LAFCO process and cannot be completed in a timely manner. Therefore, the Commission recommends that the City of Chino and the County of San Bernardino coordinate a county boundary change in the future that includes the three parcels, Assessor Parcel Numbers 1013-531-09, 1013-531-10, and 1013-531-11, removing these parcels from San Bernardino County and its underlying local agencies and transferring them into Los Angeles County and into the appropriate local agencies within Los Angeles County; and,

WHEREAS, the Commission determines to modify the reorganization proposal by expanding it to include the three adjacent parcels, Assessor Parcel Numbers 1013-531-09, 1013-531-10, and 1013-531-11, in order to avoid creating a totally surrounded unincorporated island area between the City of Chino and the San Bernardino-Los Angeles Countyline (within the City of Pomona).

NOW, THEREFORE, BE IT RESOLVED, that the Commission does hereby determine, find, resolve, and order as follows:

DETERMINATIONS:

SECTION 1. The proposal is approved subject to the terms and conditions hereinafter specified:

CONDITIONS:

Condition No. 1. The boundaries of this change of organization are approved as set forth in Exhibits "A" and "A-1" attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3268.

Condition No. 3. All previously authorized charges, fees, assessments, and/or taxes currently in effect by the City of Chino (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

Condition No. 4. The City of Chino shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

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Condition No. 5. Pursuant to Government Code Section 56886.1, public utilities, as defined in Section 216 of the Public Utilities Code, have ninety (90) days following the recording of the Certificate of Completion to make the necessary changes to impacted utility customer accounts.

Condition No. 6. The date of issuance of the Certification of Completion shall be the effective date of the reorganization;

SECTION 2. DETERMINATIONS. The following determinations are required to be provided by Commission policy and Government Code Section 56668:

1. The reorganization area is legally uninhabited, containing eleven (11) registered voters as of June 10, 2024, as certified by the County Registrar of Voters Office.
2. The County Assessor has determined that the total assessed value of land and improvements within the reorganization area, as modified, is \$52,608,612 (land - \$40,130,651 -- improvements - \$12,477,961).
3. The reorganization area is within the sphere of influence assigned the City of Chino.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication in the *Inland Valley Daily Bulletin*, a newspaper of general circulation in the area. In addition, individual notices were provided to all affected and interested agencies, County departments, and those individuals and agencies having requested such notification. Comments from affected and interested agencies have been considered by the Commission in making its determination.
5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to landowners (26) and registered voters (11) within the reorganization area (totaling 37 notices) and to landowners (552) and registered voters (910) surrounding the reorganization area (totaling 1,462 notices). Comments from registered voters, landowners, and other individuals and any affected local agency in support or opposition have been reviewed and considered by the Commission in making its determination.
6. The City of Chino has pre-zoned the reorganization area for the following land uses: M1 (Light Industrial) and M2 (General Industrial). These zoning designations are consistent with the City's General Plan. Pursuant to the provisions of Government Code Section 56375(e), these zoning designations shall remain in effect for two years following annexation unless specific actions are taken by the City Council.

Pre-zoning is not required for the additional three (3) parcels since these parcels are currently built-out with existing entitlements pursuant to Government Code Section 56375(a)(7). The City's land use designation for the additional area is Light Industrial, which is the default pre-zone designation (M1) for said area, which is also consistent with the City's General Plan.

7. The Southern California Associated Governments (SCAG) recently adopted its 2024-2050 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3268 has no

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direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy.

8. The City of Chino has an adopted Local Hazard Mitigation Plan (approved by FEMA) as well as an approved Safety Element of its General Plan. The reorganization area is within an area considered to have a moderate threat to wildland fire.
9. The City of Chino, as a function of its review of the Philadelphia Street Industrial Development Site and East End Annexation Project which includes Prezone/Annexation (PL20-0003), Site Approval (PL20-0004) for the construction of three (3) industrial buildings totaling 63,900 square feet, and Tentative Parcel Map No. 20174 (PL20-0005), 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.

The Commission certifies that it has reviewed and considered the City's Mitigated Negative Declaration and the environmental effects as outlined in the Initial Study prior to reaching a decision on the project and finds the information substantiating the Mitigated Negative Declaration is adequate for its use in making a decision as a CEQA responsible agency. The Commission finds that it does not intend to adopt alternatives or additional mitigation measures for this project as all changes, alternations and mitigation measures are within the responsibility and jurisdiction of the City and/or other agencies and not the Commission; and finds that it is the responsibility of the City to oversee and implement these measures.

The Commission directs its Executive Officer to file a Notice of Determination within five (5) days with the San Bernardino County Clerk of the Board of Supervisors. The Commission, as a responsible agency, also notes that this proposal is exempt from the California Department of Fish and Wildlife fees because the fees were the responsibility of the City of Chino as lead agency.

10. The local agencies currently serving the area are: County of San Bernardino, Chino Basin Water Conservation District, Chino Valley Independent Fire Protection District, Inland Empire Resource Conservation District, Monte Vista Water District, Inland Empire Utilities Agency, Metropolitan Water District of Southern California, West Valley Mosquito and Vector Control District, and County Service Area 70 (multi-function unincorporated area Countywide).

Upon reorganization, the territory will detach from County Service Area 70 and the sphere of influence for County Service Area 70 will be reduced as a function of the reorganization. None of the other agencies are affected by this proposal as they are regional in nature.

11. The City of Chino has submitted a plan for the provision of services as required by Government Code Section 56653, which indicates that the City can, at a minimum, maintain the existing level of service delivery and can improve the level and range of selected services currently available in the area. The Plan for Service has been reviewed and compared with the standards established by the Commission and the factors contained within Government Code Section 56668. The Commission finds that such Plan conforms to those adopted standards and requirements.

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12. The reorganization area will benefit from the availability and extension of municipal services from the City of Chino.
13. The proposal complies with Commission policies that indicate the preference for areas proposed for development at an urban-level land use to be included within a City so that the full range of municipal services can be planned, funded, extended and maintained.
14. This proposal will not assist the City's ability to achieve its fair share of the regional housing needs based upon the anticipated industrial land uses for the reorganization area.
15. With respect to environmental justice, the following demographic and income profile was generated using ESRI's Business Analyst within the City of Chino and within and around the reorganization area (2024 data):

Demographic and Income Comparison	City of Chino (%)	Subject Area & adjacent Unincorporated Sphere (%)
Race and Ethnicity		
• White Alone	27.4 %	33.9 %
• Black Alone	6.0 %	0.6 %
• American Indian Alone	1.5 %	0.9 %
• Asian Alone	21.0 %	8.4 %
• Pacific Islander Alone	0.2 %	0.2 %
• Some Other Race Alone	26.1 %	34.4 %
• Two or More Races	17.8 %	21.5 %
• Hispanic Origin (Any Race)	52.0 %	66.3 %
Median Household Income	\$106,713	\$107,286

The reorganization area will continue to benefit from the extension of services and facilities from the City and other agencies, at the same time, would not result in the deprivation of service or the unfair treatment of any person based on race, culture or income through approval of LAFCO 3268, as modified.

16. The City and County have negotiated the transfer of ad valorem taxes as required by State law for the area originally submitted by the City for annexation. Copies of the resolutions adopted by the City Council of the City of Chino and the San Bernardino County Board of Supervisors are on file in the LAFCO office outlining the exchange of revenues.

The Commission has modified the boundaries of this proposal and any affected agency may request renegotiation of the ad valorem tax distribution due to the modification of boundaries as outlined in Revenue and Taxation Code Section 99 (b)(7).

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17. The map and legal description, as revised, are in substantial compliance with LAFCO and State standards.

SECTION 3. Approval by the Local Agency Formation Commission indicates that completion of this proposal would accomplish the proposed change of organization in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

SECTION 4. 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 5. The Commission hereby directs that, following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer is hereby directed to initiate protest proceedings in compliance with this resolution and State law (Part 4, commencing with Government Code Section 57000) and set the matter for consideration of the protest proceedings, providing notice of hearing pursuant to Government Code Sections 57025 and 57026.

SECTION 6. Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth his determination on the levels of protest filed and not withdrawn and setting forth the action on the proposal considered.

SECTION 7. Upon adoption of the final resolution by the Executive Officer, either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

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 July 17, 2024.

RESOLUTION NO. 3405

DATED:

SAMUEL MARTINEZ
Executive Officer

DRAFT

EXHIBIT "A"**LAFCO 3268****Reorganization to Include Annexation to the City of Chino and
Detachment from County Service Area 70 (East End Annexation)**

Those portions of Lots 28, 37, 38, 43, 44, 53, 54, 59 and 60 in Section 33, Township 1 South, Range 8 West, San Bernardino Meridian; together with Lot 5 in Section 4, in Township 2 South, Range 8 West, San Bernardino Meridian, of Rancho Santa Ana Del Chino, in San Bernardino County, State of California, as filed in Book 6, Page 15, records of said County and State, more particularly described as follows:

Course 1: **Beginning** at the centerline intersection of Philadelphia Street and East End Avenue, said intersection also being on the existing City of Chino boundary per Annexation No. 20, and also being the South 1/4 corner of said Section 33, thence South 0°00'42" East along the centerline of said East End Avenue, and also along said City boundary, and also along the Easterly line of the Northwest 1/4 of said Section 4, a distance of 660.02 feet to the Southeasterly corner of said lot 5 as shown on Parcel Map 8923, in the City of Chino, San Bernardino County, State of California, filed in Book 97, Pages 37 and 38, inclusive, of Parcel Maps, in said office of the County Recorder,

Course 2: Thence leaving said section line, and also leaving said centerline, North 89°56'18" West along the Southerly line of said Lot 5, a distance of 660.00 feet to the Southwest corner of said Lot 5 as shown on said Parcel Map 8923;

Course 3: Thence North 0°00'42" West along Westerly line of said Lot 5, a distance of 660.18 feet to the centerline of Philadelphia Street as shown on said Parcel Map 8923, and also to the Southerly line of the Southwest 1/4 of said Section 33;

Course 4: Thence North 89°55'27" West along said centerline of Philadelphia Street, and also along said section line, a distance of 475.58 feet to the boundary line of San Bernardino County as shown on Parcel Map 15226, in the Unincorporated Territory of San Bernardino, State of California, filed in Book 189, Pages 30 and 31, inclusive, of Parcel Maps, in said office of the County Recorder;

Course 5: Thence leaving said City boundary, and also leaving said section line, North 8°39'39" East along said County Boundary, a distance of 1490.30' feet to an angle point in said boundary line, said point also shown on County Surveyor map 3262 as Station 15, records of said County;

Course 6: Thence North 17°10'41" East along said Boundary line, a distance of 1406.32 feet to the centerline of Francis Avenue being a point on a curve concave Southwesterly having a radius of 450.00 feet as shown on Record of Survey 97-0079 filed in Book 109, Page 19 of Records of Survey, in said office of the County Record a radial line of said curve to said point being North 15°54'43" East;

Course 7: Thence leaving said County boundary Easterly 129.54 feet along said centerline and said curve through a central angle of 16°29'38" as shown on said Record of Survey 97-0079;

Course 8: Thence continuing along said centerline South 57°35'39" East, a distance of 106.10 feet to the beginning of a curve concave Northeasterly having a radius of 450.00 feet as shown on said Record of Survey 97-0079;

Course 9: Thence continuing along said centerline Easterly 254.24 feet along said curve through a central angle of 32°22'14" as shown on said Record of Survey 97-0079;

Course 10: Thence continuing along said centerline South 89°57'53" East, a distance of 48.18 feet to the intersection of Francis Avenue and East End Avenue, and also to the Center 1/4 corner of said Section 33;

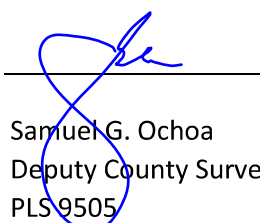
Course 11: Thence South 0°00'48" West along the centerline of East End Avenue, and also along the Easterly line of the Southwest 1/4 of said Section 33, a distance of 2,638.59 feet to the **Point of Beginning**.

Containing an area of 65.06 acres, more or less.

As shown on Exhibit B attached hereto.

Subject to covenants, conditions, reservations, restrictions, right-of-way and easements, if any, of record.

Prepared by me or under my direct supervision:



Samuel G. Ochoa
Deputy County Surveyor
PLS 9505

5/29/24

Date

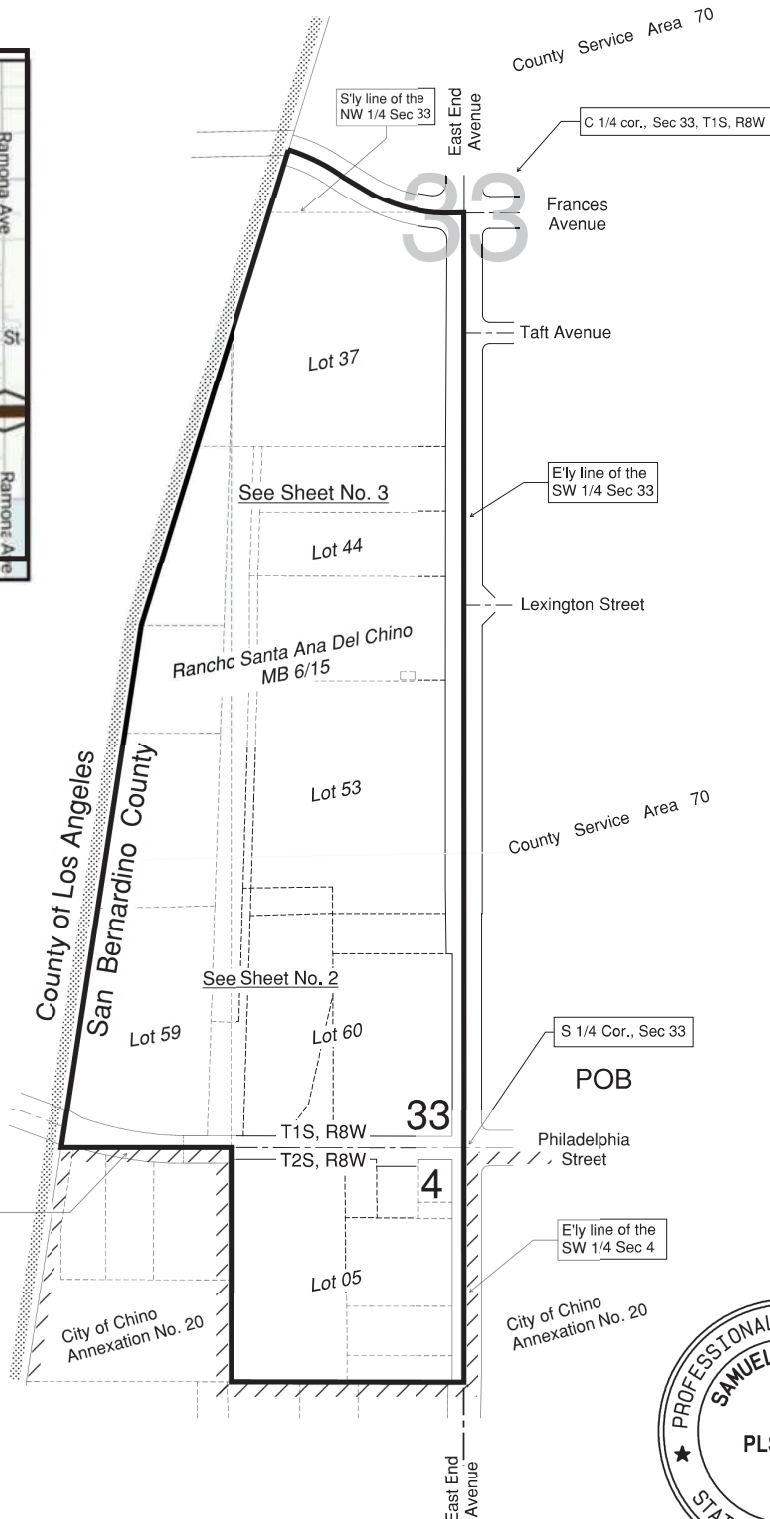


LAFCO 3268

Sheet 1 of 3

Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 (East End Annexation)

Vicinity Map



Legend

- Annexation boundary
- Existing County of Los Angeles boundary
- Existing City of Chino boundary



Affected Agencies:
City of Chino
San Bernardino County

Total Area:
65.06 AC



Date: 5/1/2024
Rev. V1.0
SRCO Supervisors

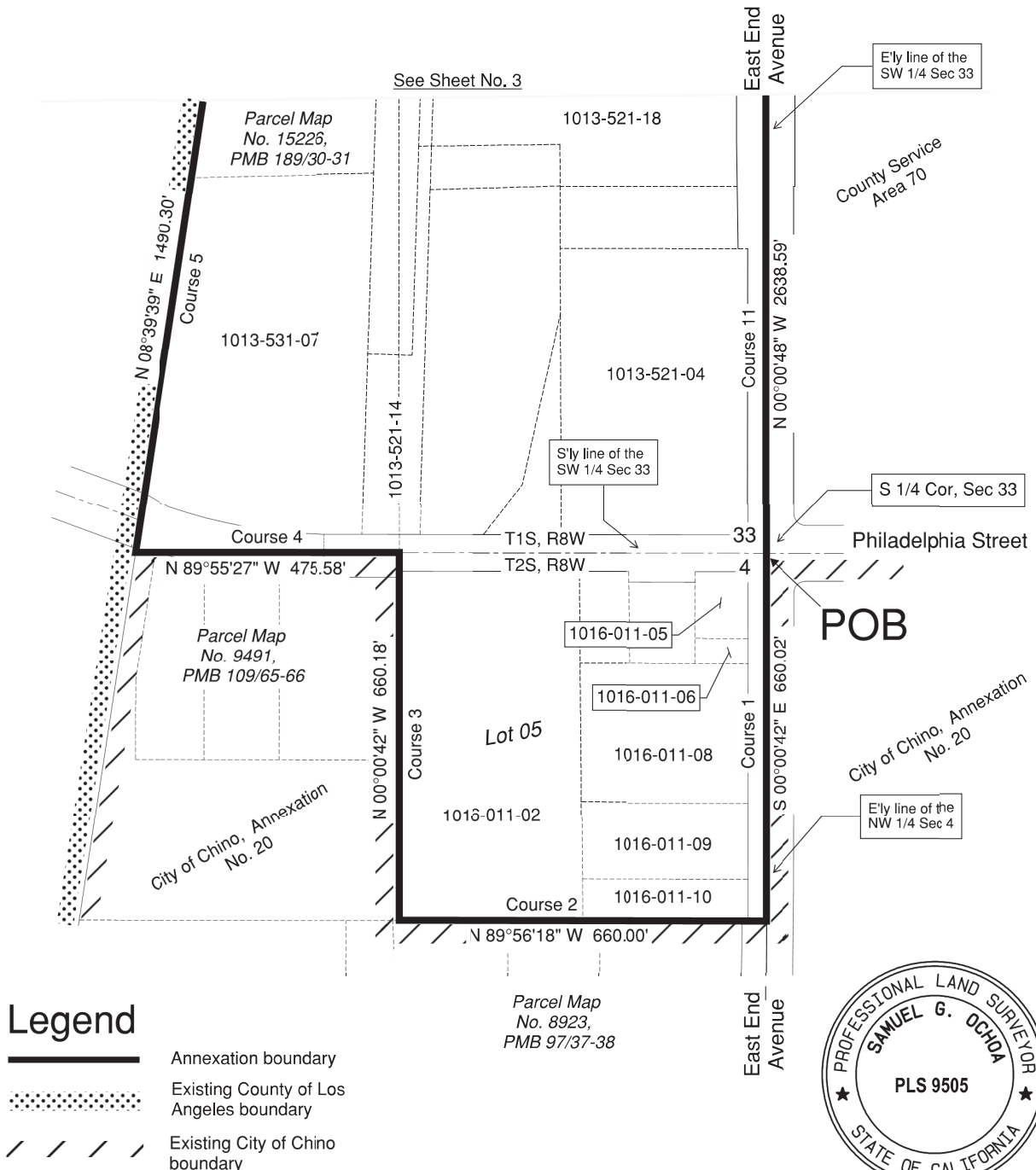
LAFCO 3268
Reorganization to Include Annexation to the City of Chino and
Detachment from County Service Area 70 (East End Annexation)

Exhibit "A-1"

Sketch to Accompany a Legal Description

LAFCO 3268

Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 (East End Annexation)



Affected Agencies:
City of Chino
San Bernardino County



Date: 5/1/2024
Rev. V.1.0
SBCO Surveyors

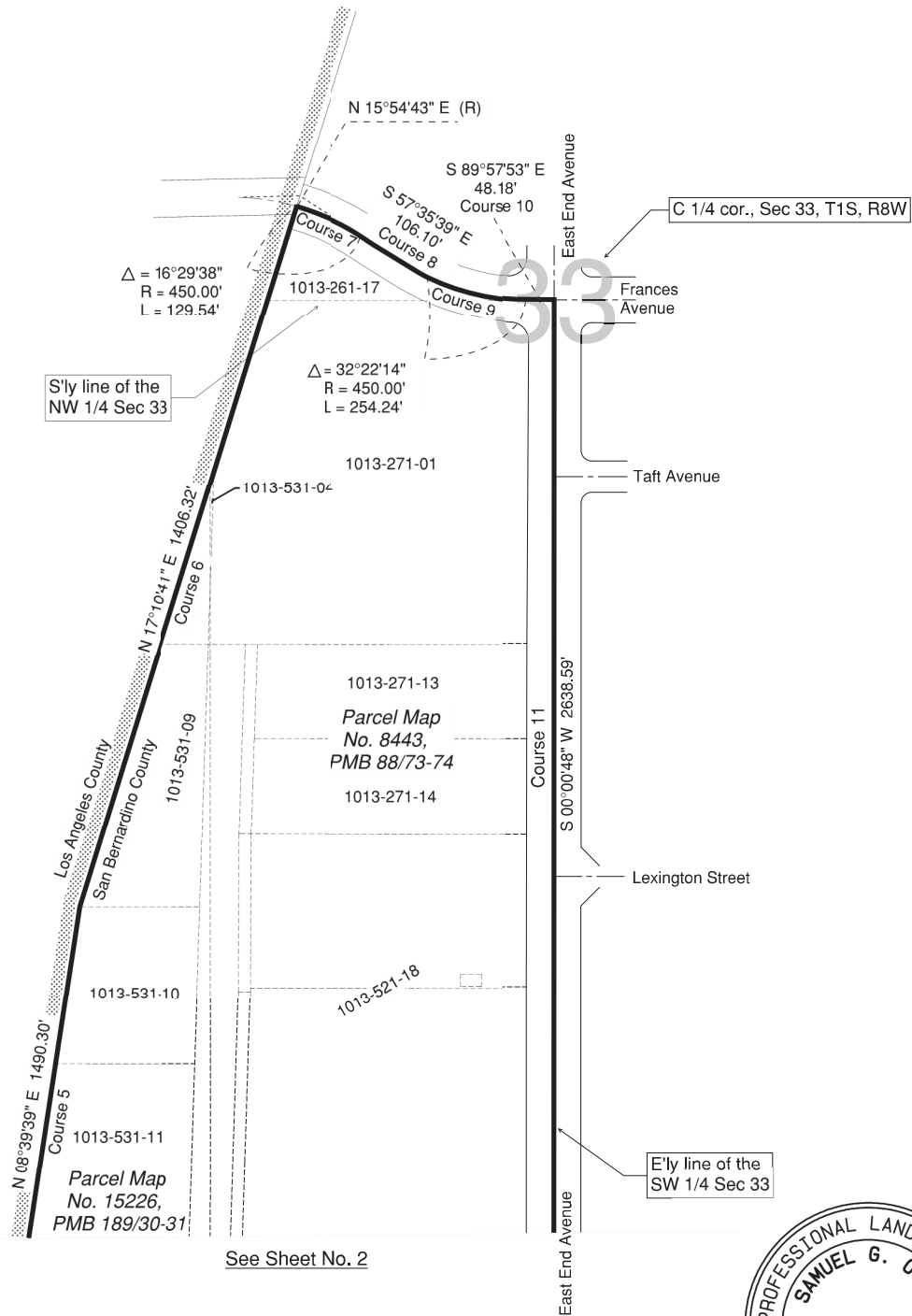
LAFCO 3268
Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 (East End Annexation)

Exhibit "A-1"

Sketch to Accompany a Legal Description

LAFCO 3268

Reorganization to Include Annexation to the City of Chino and Detachment from
County Service Area 70 (East End Annexation)



Legend

- Annexation boundary
- Existing County of Los Angeles boundary



Affected Agencies:
City of Chino
San Bernardino County



Date: 5/1/2024
Rev. V.1.0
SBCO Surveyors

LAFCO 3268

Reorganization to Include Annexation to the City of Chino and Detachment
from County Service Area 70 (East End Annexation)

Exhibit "A-1"

Sketch to Accompany a Legal Description

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

DATE : JULY 10, 2024

FROM: MICHAEL TUERPE, Assistant Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #9 – UPDATE ON DAGGETT COMMUNITY SERVICES
DISTRICT WATER SYSTEM

RECOMMENDATION:

Staff recommends the Commission:

1. Receive and file this report.
2. Provide staff with direction, if any.

SUMMARY:

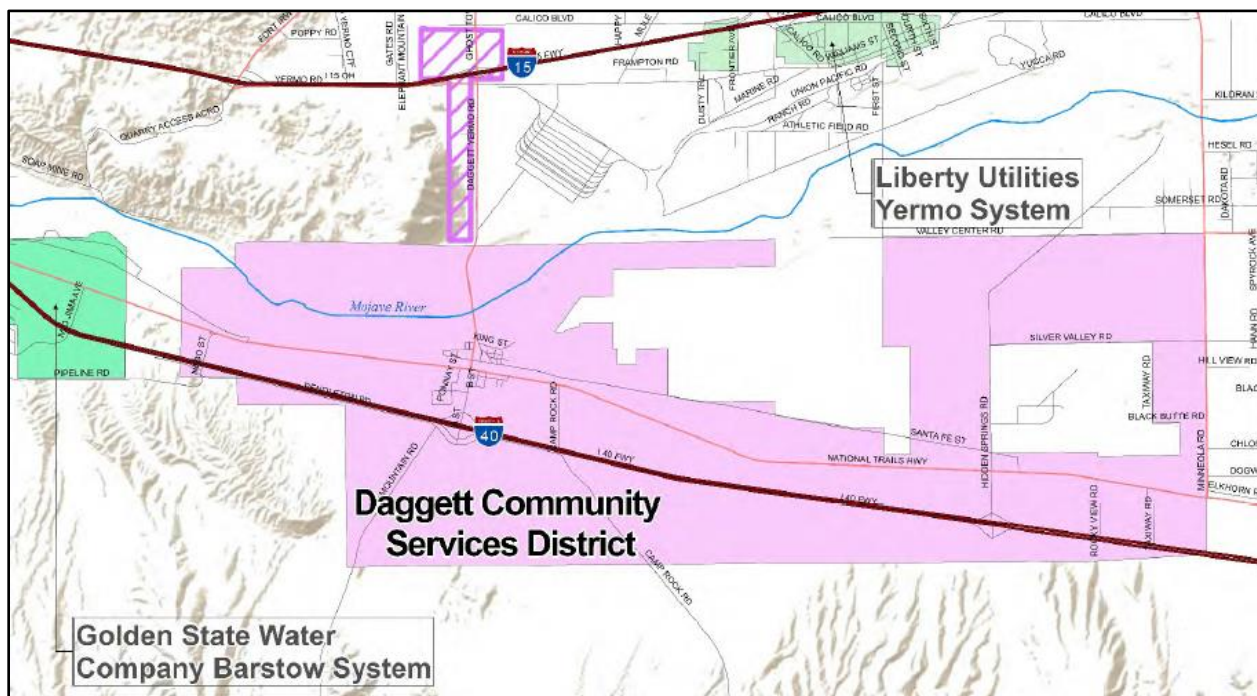
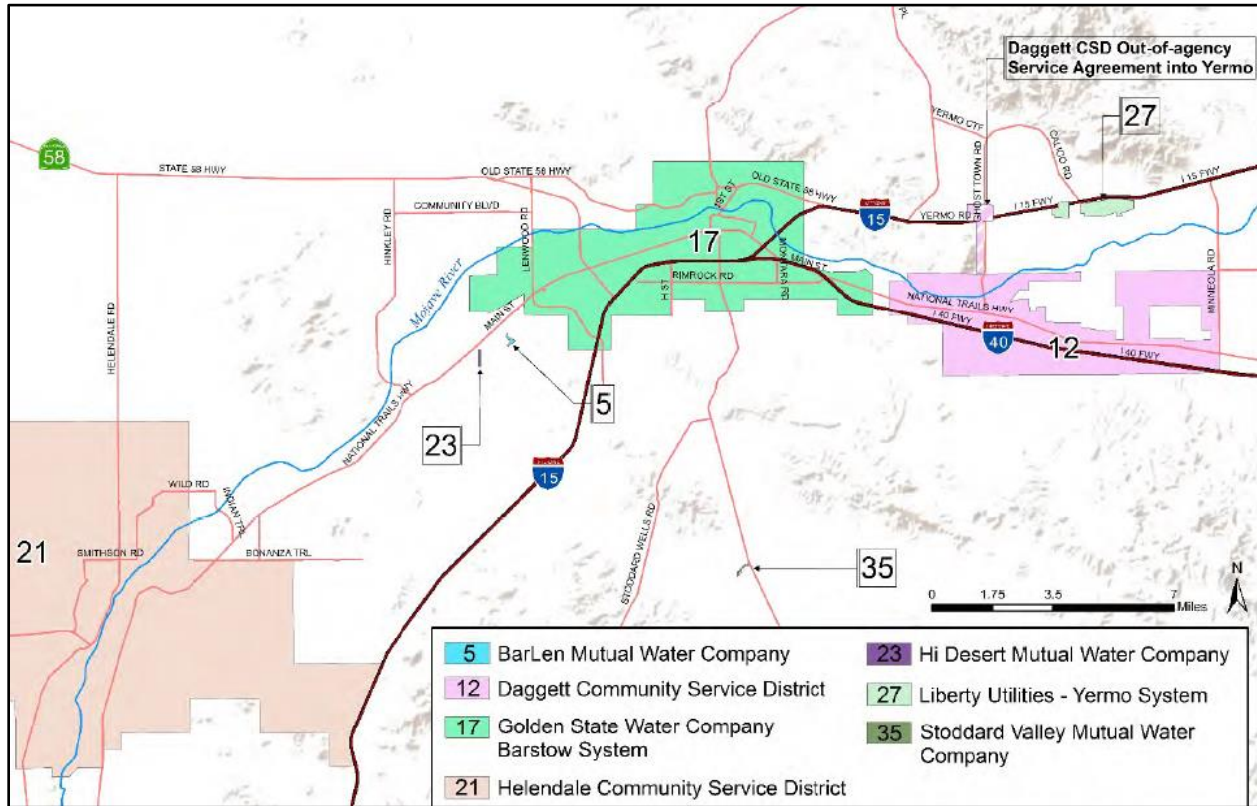
The Daggett Community Services District (“CSD”) water system currently has one active well with a fair distribution system. In June it experienced a complete system failure which required the County to coordinate a multi-agency and multi-department response. According to the CSD, it is working with the Golden State Water Company (Barstow System) to consolidate the water systems in coordination with the State Water Board under its Small Water System Consolidation program (SB 88). If successful, the two systems would consolidate but would take roughly six years to complete. In the meantime, the single-well system remains vulnerable. There is neither a LAFCO solution for a system failure nor a consolidation, as all neighboring systems are not under LAFCO purview.

PROFILE OF DAGGETT COMMUNITY WATER SYSTEM:

The Daggett CSD water system currently has one active well with a fair distribution system. LAFCO’s service review in 2017 identified that the CSD had four active wells, which has dwindled to only one currently, and is classified as a disadvantaged community. It is located within the Baja subregion of the Mojave River Basin. It has roughly 160 connections within its boundary.

In 2001, the Commission approved an out-of-agency service contract authorizing Daggett CSD to provide water for domestic and fire protection purposes within a defined service area inside Yermo CSD. Within this service area Daggett CSD serves roughly 13 residential and 10 commercial parcels, Silver Valley High School, and Silver Valley USD offices.

The first map is taken from LAFCO's 2017 water service review which shows the Daggett CSD and surrounding water agencies. Not shown is the Calico water system of County Regional Parks, as it is not a domestic system. The second map zooms-in on the CSD.



PREVIOUS LAFCO STUDIES:

LAFCO has conducted the following Service Reviews or Special Studies which included the Daggett CSD water system:

1. 2009
Service Review for the Daggett, Newberry, and Yermo Community Services Districts

The service review combined the spheres of influence of the Daggett and Yermo CSDs, sending the Commission's signal that the two districts should consolidate.

2. 2015
Special Study for the Daggett, Newberry, and Yermo Community Services Districts

The special study advocated for a consolidation of the three adjacent districts.

3. 2017
Countywide Service for Water

There are numerous factors that substantiated Daggett CSD as a hot spot:

- Lack of an intertie with an adjacent agency – the system is within one-mile of the Yermo Water System of Liberty Utilities.
- Classified as a disadvantaged community.
- Significant deficiencies are identified in the sanitary survey report.
- Located within the Mojave Basin Baja subarea which is at 45% rampdown - water levels continue to decline due to over-pumping and limited recharge.
- Financial challenges are identified in the audits - steady decrease in cash and cash equivalents, charges for service being less than expenses, and liquidity to pay for liabilities. The previous service review identified a concern with the age of the pipes. With low-cash, it is doubtful the pipes have been replaced.
- Lack of adequate managerial oversight for many years.

This service review identified the opportunity for consolidation of Daggett CSD and Liberty Utilities Yermo, a private company. This would allow eligibility for SB 88 funding to upgrade facilities. Daggett CSD and Liberty Utilities Yermo system are within proximity to each other and are classified as small water systems. Therefore, the systems are eligible for grant funding to upgrade the infrastructure, albeit through consolidation. In fact, Daggett CSD has been providing water service within the western portion of Yermo CSD's territory to serve the Silver Valley High School and Silver Valley Unified School District offices. A connected system would promote adequate supply to these facilities. According to the CSD general manager, Liberty Utilities is not interested in a system consolidation with Daggett.

4. 2017-19
Multiple subsequent reports to the Commission on the Daggett CSD and its water system.

The subsequent updates to the Commission detailed the lack of desire from the CSD, at that time, to address its governance and managerial challenges. Support was offered from the Mojave Water Agency under its Small Water District program. However, the CSD did not fully participate in the free program.

CURRENT SITUATION:

System Failure

The following is taken verbatim from the San Bernardino County website¹:

On Friday June 7, the San Bernardino County Office of Emergency Services (OES) was notified of a complete failure of Daggett's water distribution system, leading to the loss of the domestic water supply and fire hydrant services. In response, OES coordinated a multi-agency response effort involving the county Public Health (DPH), county Environmental Health Services (EHS), local fire services, county Public Works (DPW), Fleet Management, and California state agencies, and swiftly implemented an emergency water provision plan to support more than 800 affected residents.

Total Resources Deployed:

- 2,412 gallons of water
- 8,520 cans of Blue Can 50-year Water
- 2,400 cans of Simpler Life 100-year Water
- 2,328 16.9-oz bottles of water
- ADA restroom/shower trailer
- Combo restroom trailer
- 2 generators

In a rapid and effective response, OES and DPH delivered approximately 12 pallets of bottled water. County Fleet Management and DPW supported logistics, deploying a generator and ADA-compliant shower and toilet facilities to the Daggett Community Service Center. DPW crew worked to ensure full functionality for immediate public use.

The collaboration continued throughout the weekend, with all agencies maintaining a constant on-site presence to manage any additional supply needs. By Sunday afternoon, the water system was restored to operational status. Although water quality testing continued, residents were advised to follow a boil water notice as a safety measure. The boil water notice was lifted on Monday.

Long-Term Solution

According to the Daggett CSD general manager, they are working with the State Water Board and Golden State Water Company (Barstow System) on a system consolidation. This consolidation would consist of Golden State's lines extending to the east, albeit

¹ San Bernardino County. Website. *County provides emergency services to Daggett residents when water supply fails*. 13 June 2024. [County provides emergency services to Daggett residents when water supply fails](#)

around the neighboring Marine Corps Nebo base, and into Daggett. The estimated time for completion, if approved by the State and Golden State, would be six years.

In the meantime, what to do if the single-well system fails again? There is neither a LAFCO solution for a system failure nor a consolidation, as all neighboring systems are not under LAFCO purview.

OPTIONS FOR THE COMMISSION:

As stated, there is no LAFCO solution for this circumstance. The neighboring CSDs (Yermo and Newberry) do not operate a water system. In Yermo water is provided by a private water company, and there is no water system in Newberry. To the north of Yermo is the Calico Regional Park, which has a small public water system operated by County Special Districts; yet this system is not district.


The Commission can direct staff to conduct another service review or special study. However, all overlapping, adjacent, and regulatory entities are aware of the circumstance. Therefore, LAFCO staff does not recommend the conduct of another service review or special study. The Commission could direct staff to return with periodic updates; however, there remains no LAFCO solution.

Should the Commission have any questions, staff will be happy to answer them before or at the hearing.

SM/MT

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

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DATE : JULY 10, 2024 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #10 – MOVE LAFCO OFFICE FROM THE SAN BERNARDINO SANTA FE DEPOT TO THE NORTON REGIONAL EVENT CENTER

- A. Review and Approve Amendment No. 4 (Surrender of Lease) with the San Bernardino County Transportation Authority (Contract No: 16-1001429)**
 - B. Review and Approve Lease Agreement with the Inland Valley Development Agency (Office Space)**
 - C. Review and Approve Facility Use and License Agreement with the Inland Valley Development Agency (Auditorium)**
 - D. Authorize the Expenditure of the Costs Related to the Move**
-

RECOMMENDATION:

Staff recommends that the Commission take the following actions:

1. Approve Amendment No. 4 (Surrender of Lease) to Contract No: 16-1001429 with San Bernardino County Transportation Authority and authorize the Chair to sign and execute the amendment.
2. Approve the lease agreement with Inland Valley Development Agency for office space and authorize the Chair to sign and execute the agreement.
3. Approve the updated Facility Use and License Agreement with Inland Valley Development Agency for use of the auditorium for Commission meetings and authorize the Executive Officer to sign and execute the agreement.

4. Approve the costs related to the move and authorize the Executive Officer to sign the quote with G/M Business Interiors and the cost estimate with County Innovation and Technology Department.

BACKGROUND:

In April, the Commission authorized the Executive Officer to facilitate moving the staff office as its operation no longer requires the use of the unit located at the Santa Fe Depot. This would require termination of the current lease and availability of a new location. San Bernardino County Transportation Authority ("SBCTA") administers property agreements at the Depot and has agreed to LAFCO's request to terminate the lease. Inland Valley Development Agency ("IVDA") administers property agreements at the Norton Regional Event Center and has agreed to lease office space to LAFCO. Additionally, LAFCO would incur costs related to the move.

A. Review and Approve Amendment No. 4 (Surrender of Lease) with the San Bernardino County Transportation Authority (Contract No: 16-1001429)

On May 7, 2024, LAFCO expressed its intent to terminate the lease of the current LAFCO office located at the San Bernardino Santa Fe Depot as its operation no longer requires use of the unit. As a part of the negotiations, LAFCO has agreed to leave the custom-designed furniture within the unit. At its July 3, 2024 meeting, the SBCTA board of directors approved the surrender of the lease effective September 23, 2024 (*Amendment No. 4 to Contract No. 16-1001429*).

Included as Attachment #1 to this report is the draft Amendment No. 4 (Surrender of Lease) with SBCTA. The amendment has been reviewed by LAFCO Counsel.

Staff recommends that the Commission approve the surrender of the lease with SBCTA and authorize the Chair to sign and execute the amendment.

B. Review and Approve Lease Agreement with Inland Valley Development Agency (Office Space)

LAFCO staff has negotiated the terms of a lease of office space that has a maximum area of 1,445 square feet at the Norton Regional Event Center effective August 1, 2024 and expiring July 31, 2026. As part of the negotiations, IVDA requested that the office space be reduced by 165 square feet to allow the neighboring security team to temporarily use the extra space. When LAFCO deems it necessary to reclaim this space, IVDA will pay for the improvement costs and adjust the chargeable square footage by 165 square feet.

Included as Attachment #2 to this report is a draft Lease Agreement with IVDA. The agreement has been reviewed by LAFCO Counsel.

Staff recommends that the Commission approve the lease agreement with IVDA and authorize the Chair to sign and execute the agreement.

C. Review and Approve Facility Use and License Agreement with Inland Valley Development Agency (Auditorium)

LAFCO has been using the Auditorium of the Norton Regional Event Center since 2017 and the current use agreement expired June 30, 2024. A new agreement is required but has no increase in the rate.

Included as Attachment #3 to this report is the draft Facility Use and License Agreement with IVDA. The agreement has been reviewed by LAFCO Counsel.

Staff recommends that the Commission approve the updated Facility Use and License Agreement with IVDA and authorize the Executive Officer to sign and execute the agreement.

D. Authorize the Costs Related to the Move

As a part of the negotiations with SBCTA, LAFCO has agreed to leave the custom-designed furniture within the unit. In turn, LAFCO must purchase new furniture to fit the specifications of the new office. Staff has negotiated with G/M Business Interiors for the design and purchase using the County's rate. G/M will also move any remaining items from the old office to the new office such as filing cabinets, files, legal books, chairs, etc.... The quote from G/M for design, purchase, and move is \$37,268. Included as Attachment #4 to this report is the quote summary from G/M Business Interiors.

Additionally, County IT will facilitate the telecommunication (phone and network) installation at the new office, as well as wind down at the old office. More importantly, LAFCO will still have access to the County network. The cost estimate from County IT is \$16,765, which includes a five percent contingency. Actual costs would be detailed after project completion. Included as Attachment #5 to this report is the cost estimate from County IT.

Lastly, new business cards will be ordered. This does not require approval from the Commission as it is under the required amount for Commission approval.

Staff recommends that the Commission approve the costs related to the move and authorize the Executive Officer to sign the quote with G/M Business Interiors and the cost estimate with County IT.

There is sufficient carryover from FY 2023/24 into FY 2024/25 to cover the costs related to the move. Nonetheless, the budget lacks appropriation to accommodate

these costs. As a part of the First Quarter financial review, all invoices should be paid and staff will recommend an increase in kind to appropriations.

SM/MT

Attachments:

1. [Draft Amendment No. 4 with SBCTA \(Surrender of Lease\)](#)
2. [Draft Lease Agreement with IVDA \(Office Space\)](#)
3. [Draft Facility Use and License Agreement with IVDA \(Auditorium\)](#)
4. [Quote Summary from G/M Business Interiors](#)
5. [Cost Estimate from County IT](#)

SURRENDER OF LEASE
Amendment No. 4 to Contract No: 16-1001429

THIS SURRENDER OF LEASE (the "Surrender") is entered into and is effective as of September 23, 2024, by and between San Bernardino County Transportation Authority (SBCTA) ("Landlord"), and Local Agency Formation Commission for San Bernardino County (LAFCO) ("Tenant"), on the basis of the following:

RECITALS

A. Landlord and Tenant previously entered into a Lease agreement and Amendments (collectively, the "Lease") for the rental of approximately 2,970 rentable square feet described as 1170 W. 3rd Street, Unit 150, San Bernardino, California, also identified as Contract No. 16-1001429.

B. Tenant expressed an interest to surrender the Lease prior to its scheduled Expiration Date of July 23, 2027.

AGREEMENT

IT IS HEREBY AGREED by Landlord and Tenant on the basis of the foregoing and in consideration of the premises contained herein, as follows:

1. **Cancellation of Lease.** For good and valuable consideration, the receipt and sufficiency of which being hereby acknowledged, Tenant and Landlord do hereby mutually agree to terminate and cancel said Lease, effective September 23, 2024 ("Termination Date"), and all rights and obligations under said Lease shall thereupon be canceled excepting only for any obligations under the Lease accruing prior to the effective Termination Date.

2. **Condition of Premises.** This Surrender is conditional upon Tenant vacating the Premises no later than the Termination Date of September 23, 2024, and leaving the Premises in good, clean, operable condition as set forth in the Lease. The Surrender is further conditioned upon completion of a walk-through inspection by Landlord and Tenant, and Landlord's acceptance of the condition of the Premises as satisfactory. In addition, Tenant shall leave in place and surrender to Landlord the existing furniture in the Premises.

3. **Mutual Release and Waiver.** As of the Termination Date, except for obligations of Tenant which accrue prior to the Termination Date or survive termination of the Lease, Tenant and Landlord discharge and release each other, and their respective agents, employees, representatives, attorneys, officers, directors, predecessors, successors, and assigns, from all actions, claims, liabilities, debts, obligations, promises, damages, costs, expenses, and demands arising under the Lease ("Released Claims"). Landlord and Tenant agree to waive the Released Claims and all benefits and protections of California Civil Code Section 1542, which states:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

-----SIGNATURES ARE ON THE FOLLOWING PAGE-----

IN WITNESS WHEREOF, Landlord and Tenant have executed this Surrender as of the date first set forth above.

Landlord:
San Bernardino County
Transportation Authority (SBCTA)

Tenant:
Local Agency Formation Commission for
San Bernardino County (LAFCO)

By: _____
Ray Marquez
President, Board of Directors

By: _____
Acquanetta Warren
Chair

Date: _____

Date: _____

APPROVED AS TO FORM

By: _____
Julianna K. Tillquist
General Counsel

By: _____
Paula de Sousa
LAFCO Legal Counsel

Date: _____

**INLAND VALLEY DEVELOPMENT AGENCY (IVDA)
LEASE AGREEMENT
BY AND BETWEEN THE IVDA AND
THE LOCAL AGENCY FORMATION COMMISSION (LAFCO)
FOR SAN BERNARDINO COUNTY
NORTON REGIONAL EVENTS CENTER**

This Inland Valley Development Agency Lease (hereinafter referred to as this “Lease”) is dated as of July 17, 2024, by and between the Inland Valley Development Agency, a joint powers authority, herein referred to as “Lessor,” and the Local Agency Formation Commission for San Bernardino County, a California, herein referred to as “Lessee,” for usage of approximately one thousand two hundred eighty (1,280) square feet* of interior office space, more or less, identified as **Suite 102**, located at 1601 East Third Street, San Bernardino, California 92408, herein referred to as “Premises,” as more specifically described in **Exhibit “A”**) attached to this Lease, on the following terms and conditions:

**See Addendum to Lease*

ARTICLE 1. TERM OF LEASE

Section 1.1 The Term of this Lease shall commence on August 1, 2024 (“Commencement Date”) and expire on July 31, 2026 (“Expiration Date”). If the Premises are not delivered on the Commencement Date in accordance with this Lease, then the Commencement Date shall be continued for a period of not more than thirty (30) days, at which point in time Lessee shall have the right to terminate this Lease with written notice to Lessee.

Section 1.2 Upon the expiration, cancellation, abandonment, eviction of Lessee or termination of this Lease, Lessee agrees that it will return the Premises in as good condition and repair as existed upon the Premises as of the Commencement Date or the date of Early Possession, as applicable, reasonable wear and tear excepted.

Section 1.3 If Lessee, with Lessor’s express written consent, holds over and continues in possession of the Premises after the Expiration Date, Lessee’s continued occupancy of the Premises shall be a month-to-month tenancy subject to all of the other terms and conditions of this Lease. Nothing in this Lease shall be construed as implied consent by the Lessor to any holding over by the Lessee. Lessor expressly reserves the right to require Lessee to surrender possession of the Premises to Lessor as provided in this Lease on the expiration or other termination of this Lease. Monthly payments of rent by the Lessee shall be subject to increase by the Lessor at any time after the Expiration Date, and all other terms or provisions of the Lease, shall be subject to change or termination by the Lessor after the Expiration Date during any period of holding over upon thirty (30) days prior notice to the Lessee of rent increase, change of other terms, or termination of the right of Lessee to possession of the Premises, as applicable.

Section 1.5 Lessee agrees that it accepts the Premises upon the following tenant improvements provided by Lessor at no cost to Lessee:

- Wall partition as noted in Exhibit "A" (see potential expansion area)

Section 1.6 Lessee shall have an option to extend the Term of this Lease for one (1) one-year option period. The real property lease rate for the option extension shall be increased by the Consumer Price Index ("CPI") All Urban Consumers (Riverside-San Bernardino-Ontario) adjustment equal to the actual increase in CPI not to exceed three percent (3%) at the beginning of the first year of the option extension. Thereafter, the applicable rent for each year will be increased by the applicable CPI, not to exceed three percent (3%) in any single year. At least three (3) months prior to the Expiration Date, Lessee shall notify Lessor of its desire to exercise this option. If Lessee decides not to exercise this option, or fails to take any action to either exercise or not exercise this option, Lessee shall vacate the Premises on or before the then applicable termination date of this Lease, or Lessee may remain in possession of the Premises for a holdover period to which both parties agree in writing, prior to expiration of this Lease, at a rental rate not to exceed three percent (3%) of the rental rate at the time of the Expiration Date.

ARTICLE 2. RENT AND SECURITY DEPOSIT

Section 2.1 Upon the Commencement Date, Lessee shall pay the Lessor a monthly rent of Two Thousand Five Hundred and Nine dollars and 00/100's (\$2,509.00) ("Rent") for the use of the Premises during the Term of this Lease. Lessor shall provide Lessee with an invoice for rent on or before the tenth (10th) day of each month. Each installment of Rent is due on or before the first calendar day of each month, with no express or implied grace period. Rent for any period during the term hereof which is for less than one (1) full calendar month shall be prorated based upon the actual number of days of said month. All Rent payments to the Lessor are absolute Rent payments and are not subject to any off-set or credit for any repair or maintenance work of the Lessee, other than as specifically set forth in this Lease. Rent shall be paid by the Lessee to Lessor at 1601 East Third Street, Suite #1, San Bernardino, California 92408, or, at any other place as Lessor may from time-to-time designate by written notice delivered to Lessee. All monetary obligations of Lessee to Lessor under the terms and conditions of this Lease shall be considered Rent.

Section 2.2 Lessor acknowledges having on file a deposit in the amount of Five Thousand and Eighteen Dollars and 00/100's (\$5,018.00), as security for the faithful performance by Lessee of all the terms, covenants and conditions of this Lease. If Lessee defaults with respect to any provision of this Lease, including but not limited to the provisions relating to the payment of Rent. Lessor may use, apply or retain all or any part of this security deposit for the payment of the Rent, any other sum in default or repairs occasioned by the conduct of Lessee, its employees, guests, invitees or agents pursuant to the provisions of Civil Code §1950.7. Lessor shall not be required to keep this security deposit separate from its general funds, and Lessee shall not be entitled to interest on such deposit. If Lessee shall fully and faithfully perform every provision of this Lease, the security deposit or any remaining balance shall be returned to Lessee within

fourteen (14) days following expiration or other termination of this Lease and Lessor receives possession of the Premises.

ARTICLE 3. PROPERTY & SHARED FACILITIES

Section 3.1 Lessor is the owner of all the real property, and improvements thereon, that is located at and commonly known as 1601 East Third Street, San Bernardino, California (the "Property"), which is further depicted on Exhibit "A," attached hereto and incorporated herein by reference.

Section 3.2 Lessee's use of the Norton Events Center Auditorium located on the Property California is governed by a separate Facility Use & License Agreement, executed on or about the same date of this Lease.

Section 3.3 The Property contains shared parking. Lessee, its agents, employees, invitees and licensees, shall have the right to use the shared parking.

ARTICLE 4. USE OF PREMISES

Section 4.1 During the term of this Lease, the Premises shall be used exclusively by the Lessee for the purpose of conducting general office use, for uses normally incident to that purpose, and for no other purpose. Lessee shall not use or permit the Premises to be used for any other purpose without the prior written consent of Lessor.

Section 4.2 During the Term of this Lease, Lessee shall, unless prevented by conditions beyond Lessee's control, conduct business of the type and nature specified in Section 4.1 of this Lease on the Premises in a diligent and businesslike manner.

Section 4.3 Lessee shall not commit or permit the commission of any acts on the Premises, nor use of the Premises, in any manner that will increase the existing rates for, or cause cancellation of any fire, liability or other insurance policy of Lessor insuring the Premises. Lessee shall, at its own cost and expense, comply with any and all requirements of Lessor's insurance carriers necessary for the continued maintenance at reasonable rates of fire and liability insurance policies on the Premises.

Section 4.4 Lessee shall not commit or permit the commission by others of any waste on the Premises. Lessee shall not maintain, commit or permit the maintenance or commission of any nuisance as defined in Civil Code §3479 on the Premises. Lessee shall not use or permit the use of the Premises for any unlawful purpose.

Section 4.5 Lessee shall also, at its own cost and expense, comply with any and all of the provisions of the Norton Air Force Base Installation Restoration Program and the Norton Air Force Base Federal Facility Agreement by and between EPA Region IX, the State of California and the Air Force.

Section 4.6 Lessee shall at Lessee's own cost and expense comply with any and all statutes, ordinances, regulations and requirements of all governmental agencies and entities, both federal and state and county or municipal, relating to Lessee's use and occupancy of the Premises, whether those statutes, ordinances, regulations and requirements are now in force or are subsequently enacted. The judgment of any court of competent jurisdiction, or the admission by Lessee in a proceeding brought against Lessee by any governmental agency or entity, that Lessee violated any such statute, ordinance, regulation or requirement shall be conclusive as between Lessor and Lessee and shall constitute grounds for termination of this Lease by Lessor upon fourteen (14) days written notice to Lessee.

Section 4.7 On or before the Commencement Date of this Lease, Lessee shall deliver to Lessor, as approved by the appropriate regulatory agency or governmental entity (if applicable), copies of the following:

- (a) Business Registration Certificate (City of San Bernardino)
- (b) Certificate(s) of Insurance

Section 4.8 Additionally, Lessee shall deliver copies to Lessor of any other regulatory approvals, licenses, certificates and registrations required by Federal, State or local authorities for the lawful operation of Lessee's business.

ARTICLE 5. MODIFIED FULL SERVICE GROSS LEASE

Section 5.1 This Lease is a "Modified Full Service Gross Lease." Other than as expressly set forth in this Lease, Lessor shall deliver the Premises in a tenantable condition and pay all service charges for electric, gas, water, sewer, fire alarm service and related Common Area Operating Expenses (as further defined in Section 5.5 below) associated with Lessee's use and occupancy of the Premises. Lessee acknowledges that the heating, ventilation and air conditioning systems in the Premises will only be in operation during the hours from 7:00 a.m. to 6:00 p.m. Monday through Friday, unless other arrangements are made with the Lessor to provide such services outside of these hours. Lessee shall furnish and pay all applicable costs associated the provision of electronic or manned security services, vending machines, and its own telephone and data service including janitorial expenses of \$90.00 per month with respect to its use and occupancy of the Premises.

Section 5.2 Lessee shall be responsible for its pro rata share of the increase in the cost of the above stated Lessor expenses in excess of the Premises' Base Year costs as further provided in this Section 5. The parties agree that Lessee's pro rata share for the Base Year shall be five

percent (5%) of all Common Area Operating Expenses as set forth below in Section 5.5. For the purposes of this Lease, the term "Base Year" shall mean a full twelve (12) month period of operations and maintenance services commencing as of August 1, 2024, and continuing through July 31, 2025. Notwithstanding anything to the contrary herein, the amount of Lessee's share of the Common Area Operating Expenses shall not increase from the prior year by more than three percent (3%).

Section 5.3 With respect to the Common Areas, the following shall apply.

- (a) The term "Common Areas" is defined as all areas and facilities inside and outside the Premises; and within the exterior boundary line of the Property; and interior utility raceways and installations within the office building containing the Premises that are provided and designated by the Lessor for the general non-exclusive use of Lessor. Exterior Common Areas include parking areas, loading and unloading areas, trash areas, roadways, walkways, driveways, landscaped areas and the secure patio area. Interior Common Areas shall include, public entrance/foyer, public hallways, public restrooms, the wellness room and the break room.
- (b) Lessor grants to Lessee, for the benefit of Lessee and its employees, suppliers, shippers, contractors, customers and invitees, during the Term of this Lease, the non-exclusive right to use, in common with others entitled to such use, the Common Areas as they exist from time to time, subject to any rights, powers and privileges reserved by Lessor under the terms hereof.
- (c) Under no circumstances shall the right herein granted to use the Common Areas be deemed to include the right to store any personal property, temporarily or permanently, in the Common Areas. Any such storage shall be permitted only with the prior written consent of Lessor or Lessor's designated agent, which consent may be denied or if granted may be revoked at any time. In the event that any unauthorized storage may occur Lessor shall have the right, with ten (10) calendar days' notice, in addition to such other rights and remedies that it may have, to remove the property and charge the cost to Lessee, which cost shall be immediately payable by Lessee upon demand from Lessor.
- (d) Lessor or such other person or persons as Lessor may appoint shall have the exclusive control and management of the Common Areas and shall have the right, from time to time, upon ten (10) calendar days' advance notification to Lessee to establish, modify, amend and enforce reasonable rules and regulations regarding the management, safety, care and cleanliness of the Common Areas and the preservation of good order, as well as for the convenience of other occupants or Lessees of the building wherein the Premises are located and the Property and their invitees. Lessee agrees to abide by and conform to all such established rules and regulations, and to cause its employees, suppliers, shippers, customers, contractors

and invitees to so abide and conform. Lessor shall use best efforts to ensure that other lessees of the Property remain in compliance with said rules and regulations.

(e) Lessor shall have the right, in Lessor's sole discretion:

1. To make changes to the Common Areas upon ninety (90) calendar days' advance notification to Lessee, including, without limitation, changes in the location, size, shape and number of driveways, entrances, parking spaces, parking areas, loading and unloading areas, ingress, egress, direction of traffic, landscaped areas, walkways and utility raceways, provided Lessee's access to the Premises is not materially or adversely affected on a permanent basis;

2. To temporarily close any of the Common Areas for maintenance purposes so long as reasonable access to the Premises remains available, upon ten (10) calendar days' advance notification; and

3. To use the Common Areas while engaged in making additional improvements, repairs or alterations to the Property, or any portion thereof so long as reasonable access to the Premises remains available, and Lessor provides Lessee with at least ten (10) days' written advance notice.

Section 5.4 Effective August 1, 2024, Lessee shall pay to Lessor during the remaining Lease Term hereof, in addition to the Base Rent, Lessee's Share of all Common Area Operating Expenses in excess of the Premises Base Year costs, based on the formula of the total rentable square footage occupied by Lessee divided by the total rentable square footage of the Property within which the Premises are located, in accordance with the provisions identified in Section 5.5 below.

Section 5.5 Common Area Operating Expenses are defined, for purposes of this Lease, as all costs incurred by Lessor relating to the ownership and operation, repair and maintenance of the Property, including, but not limited to, the following:

- (a) The Common Areas and Common Area improvements, including parking areas, loading and unloading areas, trash areas, roadways, parkways, walkways, driveways, landscaped areas, bumpers, irrigation systems, Common Area lighting facilities, fences and gates, elevators, roofs and roof drainage systems, secure patio area, public restrooms, wellness room and break room.
- (b) Exterior signs and any Lessee directories.
- (c) Any fire detection and/or sprinkler systems.
- (d) The cost of water, gas, electricity, telephone, fiber optics, and cable television service to the Common Areas.
- (e) Pest control services, property management, security services and the costs of any environmental inspections as required by governmental and/or regulatory

authorities.

- (f) Reserves set aside for maintenance and repair of Common Areas.
- (g) Real property taxes if and to the extent applicable for all or any portion of the Property.
- (h) The cost of the premiums for the insurance maintained by Lessor pursuant to this Lease.
- (i) Any deductible portion of an insured loss concerning the building within which the Premises are located or the Common Areas.
- (j) Any other services to be provided by Lessor that are stated elsewhere in this Lease to be a Common Area Operating Expense.

The following expenses shall be excluded from Common Area Operating Expenses:

1. Depreciation and amortization;
2. Expenses incurred by Lessor to prepare, renovate, repaint, redecorate or perform any other work in any space leased to an existing tenant or prospective tenant of the Property;
3. Expenses incurred by Lessor for repairs or other work occasioned by fire, windstorm, or other insurable casualty or condemnation;
4. Expenses incurred by Lessor to lease space to new tenants or to retain existing tenants including leasing commissions, advertising and promotional expenditures;
5. Expenses incurred by Lessor to resolve disputes, enforce or negotiate lease terms with prospective or existing tenants or in connection with any financing, sale or syndication of the Building;
6. Interest, principal, points and fees, amortization or other costs associated with any debt and rent payable under any lease to which this Lease is subject and all costs and expenses associated with any such debt or lease and any ground lease rent, irrespective of whether this Lease is subject or subordinate thereto;
7. Costs of repair necessitated by Lessor's negligence or willful misconduct, or of correcting any latent defects or original design defects in the Property or any of the improvements;
8. Expenses for any item or service not provided to Lessee but exclusively to certain other tenants in the Property;
9. Expenses incurred by Lessor in order to comply with all present and future laws, ordinances, requirements, orders, directives, rules and regulations of federal, state, county and city governments and of all other governmental authorities having or claiming jurisdiction over the Building, including without limitation the Americans with Disabilities Act of 1990 (as amended), the Federal Occupational Safety and Health Act of 1970 (as amended) and any of said laws, rules and regulations relating to environmental, health or safety matters.

Section 5.6 Any Common Area Operating Expenses and Real Property Taxes that are specifically attributable to the Premises, the building within which the Premises are located or to any other building or structure on the Property or to the operation, repair and maintenance thereof, shall be allocated entirely to such Premises, the building within which the Premises are located, or such other building or structure, as applicable. However, any Common Area Operating Expenses and Real Property Taxes that are not specifically attributable to the building within which the Premises are located or to any other building or to the operation, repair and maintenance thereof, shall be equitably allocated by Lessor to all buildings on the Property in accordance with the formula set forth above in Section 5.4. All Common Area Operating Expenses that are considered capital improvements under generally accepted accounting principles shall be amortized over their useful life.

Section 5.7 The inclusion of the improvements, facilities and services set forth in this Section 5 shall not be deemed to impose an obligation upon Lessor to either have said improvements or facilities or to provide those services unless the Property already has the same, Lessor already provides the services, or Lessor has agreed elsewhere in this Lease to provide the same or some of them.

Section 5.8 Effective August 1, 2024, Lessee's Share of Common Area Operating Expenses shall be payable by Lessee, which amount shall be determined based on a calculation of the costs in excess of the Premises Base Year costs and shall be subject to a thirty (30) calendar days' notification from Lessor to Lessee prior to the effective date of the payment by Lessee of such Lessee's Share of Common Area Operating Expenses and including a reasonably detailed statement of actual expenses is presented to Lessee. At Lessor's option, however, an amount may be estimated by Lessor from time to time of Lessee's share of annual Common Area Operating Expenses and the same shall be payable monthly during each twelve (12) month period of the Lease Term, on the same day as the Base Rent is due hereunder. Lessor shall deliver to Lessee within sixty (60) calendar days after the expiration of each calendar year a reasonably detailed statement showing Lessee's share of the actual Common Area Operating Expenses incurred during the preceding year. If Lessee's payments under this Section 5 during the preceding year exceed Lessee's share as indicated on such statement, Lessee shall be credited the amount of such over-payment against Lessee's share of Common Area Operating Expenses next becoming due. If Lessee's payments under this Section 5 during the preceding year were less than Lessee's share as indicated on such statement, and subject to the limitations set forth in this Section 5, Lessee shall pay to Lessor the amount of the deficiency within thirty (30) calendar days after delivery by Lessor to Lessee of the statement.

Section 5.9 In addition to the foregoing, as the Premises constitute less than the entire portion of a building, there shall be additional Common Area expenses divided among the lessees of the building as provided in the lease which shall be in addition to the foregoing Common Area expenses.

ARTICLE 6. TAXES

Section 6.1 Lessee shall pay before they become delinquent all tax assessments, and other charges, levied or imposed by any governmental entity on the furniture, trade fixtures, appliances and other personal property placed by Lessee in, on or about the Premises.

Section 6.2 All real property taxes and assessments levied or assessed, if any, against the Premises by any governmental entity, including any special assessments imposed on or against the Premises for the construction or improvement of public facilities in, on or about the Premises, shall be paid, before they become delinquent, by Lessor. Lessee recognizes that the interests of the Lessee in this Lease may be subject to imposition of a tax, as set forth in either Revenue and Taxation Code §107 or Health and Safety Code §33673, by the County Assessor of the County of San Bernardino. Lessee agrees to pay any tax levied on the interests of the Lessee in this Lease and the Premises.

ARTICLE 7. CONDITION OF PREMISES

Section 7.1 Lessor hereby represents and warrants the following: (a) Lessee owns the Property and has the lawful right to convey the leasehold interest to Lessee pursuant to this Lease. Lessor; (b) the building shell is water tight and the building components serving the Property, including but not limited to the electrical, plumbing, air conditioning, and heating, are in good working condition; and (c) the Property complies with existing governmental requirements, including but not limited to accessibility requirements.

Section 7.2 Upon execution of this Lease, Lessee accepts the Premises, in their present condition and stipulates with Lessor that the Premises are in good, clean, safe and tenantable condition as of the Commencement Date of this Lease. Lessee further agrees with and represents to Lessor that the Premises were inspected by Lessee, that Lessee received assurances acceptable to Lessee from sources independent of Lessor or Lessor's agents of the truth of all facts material to this Lease, and the Premises are being Leased by Lessee as a result of its own inspection and investigation and not as a result of any representation made by Lessor or Lessor's agents, except those representations of Lessor expressly set forth in this Lease.

Section 7.3 Lessee shall not make or permit any other person to make any alterations to the Premises without the prior written consent of Lessor.

Section 7.4 Lessee shall permit Lessor or Lessor's agents, representatives, or employees to enter the Premises at all reasonable times for the purpose of inspecting the Premises to determine whether Lessee is complying with the terms of this Lease, for the purpose of doing other lawful acts that may be necessary to protect Lessor's interest in the Premises, or for the purpose of performing Lessor's duties under this Lease.

Section 7.5 Upon expiration or other termination of this Lease, Lessee shall promptly surrender and deliver the Premises to Lessor in as good condition as they existed on the Commencement Date of this Lease, excluding reasonable wear and tear.

ARTICLE 8. ENVIRONMENTAL DISCLOSURES, RELEASES AND INDEMNITY

Section 8.1 Pursuant to Section 120(h)(3) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 USC Section 9601 et seq) ("CERCLA"), the United States Air Force, as predecessor in interest in the Premises to the Lessor, has given notice informing all interested persons of certain information relating to the presence of certain hazardous substances or toxic or contaminating materials that may affect or concern the Premises and surrounding areas. The CERCLA notice of the Air Force includes a description of remedial action taken by the Air Force that affects or concerns the Premises and surrounding areas prior to the date of this Lease, and the existence and effect of the remedial environmental action covenant of the Air Force concerning the Premises and surrounding areas.

Section 8.2 The Premises includes improvements constructed before 1978 that are presumed to contain Lead Based Paint (LBP) and (Asbestos Containing Materials (ACM). Lessee hereby acknowledges that it has received information from the Lessor regarding the potential of LBP and/or LBP hazards and ACM hazards on the Premises. No warranties either express or implied are given with regard to the condition of the Premises including, without limitation, whether the Premises do or do not contain LBP and/or ACM. The information provided to Lessee by Lessor relating to LBP and ACM was obtained by the Lessor from the Air Force and is believed to be correct, but an error or omission, including but not limited to the omission of any information available to the Lessor or the Air Force, shall not constitute grounds or reason for any claim by Lessee against Lessor with respect to LBP and/or ACM which may be present on the Premises. The failure of Lessee to inspect the Premises for LBP and/or ACM, or to be fully informed as to the condition of all or any portion of the Premises, will not constitute grounds for any claim or demand by Lessee against Lessor or the Air Force with respect to LBP and/or ACM.

Section 8.3 Lessee hereby covenants and agrees that in its use and occupancy of the Premises, it will comply with all applicable environmental laws relating to LBP and ACM. Except Lessor, or its agents or employees, is performing work on the Property or Premises, Lessor assumes no liability for damages for personal injury, illness, disability, or death to Lessee, or to Lessee's employees, agents, invitees, or to any other person, including members of the general public, arising from or incident to the purchase, transportation, removal, handling, use, disposition, or other activity causing or leading to contact of any kind whatsoever with LBP or ACM on the Premises, whether Lessee properly warned, or failed to properly warn, the persons injured.

Section 8.4 Lessee on behalf of itself and its successors and assigns hereby waives and releases Lessor, its officials, officers, employees, consultants and agents and their successors and assigns from any and all demands, claims, legal or administrative proceedings, losses, liability, damages, penalties, fines, judgments, costs or expenses whatsoever (including, without limitation, attorneys fees and costs), whether direct or indirect, known or unknown, foreseen or unforeseen, arising from or relating to the presence or alleged presence of LBP, ACM and all other harmful or hazardous substances in, or, under, or about the Premises including, without limitation, any claims under or on account of: (i) CERCLA or similar statutes, or any regulations promulgated thereunder or (ii) any other environmental laws.

Section 8.5 Lessee expressly waives any rights or benefits available to it with respect to the release as set forth in the preceding paragraph under any provision of applicable law which generally provides that the general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time the release is agreed to, which, if known to such creditor, would materially affect a settlement. By execution of this Lease, Lessee acknowledges that it fully understands the foregoing, and with this understanding, nonetheless elects to and does assume all risk for claims known or unknown, described in this section and without limiting the generality of the foregoing:

The undersigned acknowledges that it has been advised by legal counsel of its own choosing of the substance of the foregoing and the following and is familiar with the provisions of California Civil Code Section 1542, which provides as follows:

“A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM, MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.”

The undersigned, being aware of this code section, hereby expressly waives any rights it may have thereunder, as well as under any other statutes or common law principles of similar effect.

Initials of Lessee: _____

Section 8.6 The provisions of Section 8.5 shall survive any expiration or termination of this Lease.

Section 8.7 “Hazardous Substances” means and includes without limitation those substances included within the definitions of “hazardous substance,” “hazardous waste,” “hazardous material,” “toxic substance,” “solid waste,” or “pollutant or contaminate” in CERCLA, RCRA, TSCA, HMTA, or under any other environmental law; and those substances listed in the United States Department of Transportation (DOT) Table [49 CFR 172.101], or by the EPA, or

any successor agency, as hazardous substances [40 CFR Part 302]; and other substances, materials, and wastes that are or become regulated or classified as hazardous or toxic under federal, state, or local laws or regulations; and any material, waste, or substance that is: (1) a petroleum or refined petroleum product, (2) asbestos, (3) polychlorinated biphenyl, (4) designated as a hazardous substance pursuant to 33 USC Section 1321 or listed pursuant to 33 USC Section 1317, (5) a flammable explosive, or (6) a radioactive material.

Section 8.8 Lessee shall not cause or permit any Hazardous Substance to be used, generated, manufactured, produced, stored, brought upon, or released, on, in, under or about the or the Premises, or transported to or from the Premises, by Lessee, its agents, employees, contractors, invitees or third-parties in violation of any environmental laws.

Section 8.9 Without limiting the foregoing, if the activities of Lessee, its officers, agents, employees, contractors, or invitees on the Premises result in an unpermitted, unscheduled or unauthorized release or contamination of the Premises by any Hazardous Substance, Lessee shall at its sole cost and expense promptly take all actions necessary to return the Premises to the condition existing prior to the unpermitted, unscheduled or unauthorized release of any such Hazardous Substance.

Section 8.10 Lessee shall comply with all Federal, State and local environmental laws, regulations and standards applicable to Lessee's activities on the Premises.

ARTICLE 9. GENERAL INDEMNITY AND INSURANCE

Section 9.1 Lessee shall assume, all liability to persons which may be attributable or incident to the Lessee's negligence or breach of this Lease, or by the negligence or breach of this Lease by any of the Lessee's agents, employees, contractors, assigns of the invitees of any of them. The Lessee further agrees to indemnify, save, hold harmless, and defend the Lessor, its officers, agents and employees, from and against all suits, claims, demands or actions, liabilities, judgments, costs and attorney fees arising out of, or in any manner predicated upon personal injury, or death resulting from, related to, caused by claimed, alleged or incident to the Lessee's negligence in the carrying out of the terms of this Lease, or breach of this Lease, or any and all other activities conducted by the Lessee, its agents, employees, contractors or assigns, or any of their invitees, incident of this Lease, except to the extent caused by Lessor's negligence or willful misconduct.

Section 9.2 Throughout the Term of this Lease, and at all times that the Lessee is in possession of the Premises, the Lessee shall carry and maintain public liability insurance, including but not limited to insurance against assumed and contractual liability under this Lease, with per occurrence limits of liability of not less than \$500,000 for property damage, \$500,000 in the event of bodily injury or death of any one person, and \$500,000 for any one accident or casualty. All such insurance policies shall name Lessor as an additional insured. Lessee waives subrogation and agrees that Lessor and Lessee are coinsureds. Lessee waives any and all rights of recovery

against Lessor. Lessee assumes all risk of damage to property in or about the Premises from any cause and Lessee hereby waives all claims against Lessor for such property damage.

Section 9.3 If and to the extent required by law, the Lessee shall carry and maintain workers' compensation insurance or similar insurance in the form and amounts required by law.

Section 9.4 All insurance that Lessee is required to carry or maintain or cause to be carried or maintained under this Lease shall be in such form, for such amounts, for such periods of time and with such insurers as the Lessor may require or approve. All insurance policies shall be issued by responsible carriers authorized to do business in California.

Section 9.5 The Lessee shall deliver or cause to be delivered promptly to the Lessor a certificate of insurance evidencing the insurance required under this Lease and shall also deliver, no later than thirty (30) days prior to the expiration of any such policy, a certificate of insurance evidencing each renewal policy covering the same risks.

Section 9.6 Lessee shall, during the term of this Lease and at all times that Lessee is in possession of the Premises, procure, carry and pay for fire and extended coverage insurance on the value of Lessor's equipment and fixtures located on or about the Premises. The policy shall name Lessor as an additional insured and shall be issued by an insurance company authorized to do business in California that is reasonably acceptable to Lessor.

Section 9.7 Lessee shall, during the term of this Lease and any renewals or extensions this Lease, maintain at Lessee's own cost and expense an insurance policy issued by an insurance company authorized to conduct insurance business in California and reasonably acceptable to Lessor insuring for their full insurable value all fixtures, equipment, tenant improvements, all inventory that is, at any time during the Term of this Lease, in or on the Premises and any other personal property of the Lessee, its employees or customers against damage or destruction by fire, theft or the elements.

Section 9.8 Each of the insurance policies shall be issued by insurance companies admitted to do business in the State of California, be in a form reasonably satisfactory to Lessor and shall carry an endorsement that, before changing or canceling any policy, the issuing insurance company shall give Lessor at least thirty (30) days prior written notice. Duplicate originals or certificates of all such insurance policies shall be delivered to Lessor.

ARTICLE 10. ASSIGNMENT, SUBLETTING, DEFAULTS AND REMEDIES

Section 10.1 Lessee shall not sublet, encumber, assign or otherwise transfer this Lease, any right or interest in this Lease, or any right or interest in the Premises without first obtaining the express written consent of the Lessor, which shall not be unreasonably withheld.

Section 10.2 The occurrence of any one or more of the following events shall constitute a material default and breach of this Lease by the Lessee:

- (a) The vacating or abandonment of the Premises by Lessee. The absence of Lessee from or failure by Lessee to conduct business on the Premises for a period of thirty (30) consecutive calendar days shall constitute such abandonment.
- (b) The failure by Lessee to make any payment of Rent or any other payment required to be made by Lessee under this Lease as and when due, where such failure shall continue for a period of seven (7) calendar days after written notice from Lessor to Lessee.
- (c) The failure by Lessee to observe or perform any of the covenants, conditions or provisions of this Lease to be observed or performed by Lessee, other than described in Paragraph (b) above, where such failure shall continue for a period of thirty (30) calendar days after written notice from Lessor to Lessee; provided, however, if Lessee commences to cure an alleged violation of the Lease within thirty (30) calendar days and diligently pursues a cure, then Lessee shall be entitled to a reasonable time to cure the alleged violation.
- (d) The making by Lessee of any general assignment for the benefit of creditors; the filing by or against Lessee of a petition to be adjudged a bankrupt or of a petition for reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Lessee, it is dismissed within thirty (30) calendar days); the appointment of a trustee or receiver to take possession of substantially all of Lessee's assets or of Lessee's interest in this Lease, when possession is not restored to Lessee within thirty (30) days; or the attachment, execution or other judicial seizure of substantially all of Lessee's assets or Lessee's interest in this Lease, when that seizure is not discharged within thirty (30) calendar days.

Section 10.3 In the event of a material default or breach of this Lease by Lessee, Lessor may terminate Lessee's right to possession of the Premises upon ten (10) days written notice to Lessee, in which case this Lease shall terminate and Lessee shall immediately surrender possession of the Premises to Lessor on or before the expiration of said ten (10) day period. On termination of this Lease, Lessor may recover from Tenant all of the following:

- (a) The worth at the time of the award of any unpaid Rent that had been earned at the time of the termination, to be computed by allowing interest at the rate of ten percent (10%) per annum, but in no case greater than the maximum interest allowed by law;
- (b) The worth at the time of the award of the amount by which the unpaid Rent that would have been earned between the time of the termination and the time of the award exceeds the amount of unpaid Rent that Lessee proves could reasonably have been avoided, to be computed by allowing interest at the rate of ten percent (10%) per annum, but in no case greater than the maximum interest allowed by law;

- (c) The worth at the time of the award of the amount by which the unpaid Rent for the balance of the Lease Term after the time of the award exceeds the amount of unpaid Rent that Lessee proves could reasonably have been avoided, to be computed by allowing interest at the rate of ten percent (10%) per annum, but in no case greater than the maximum interest allowed by law;
- (d) Any other amount necessary to compensate Lessor for all the detriment proximately caused by Lessee's failure to perform obligations under this Lease, including brokerage commissions and advertising expenses, expenses of remodeling the Premises for a new tenant and any special concessions to obtain a new tenant; and
- (e) Any other amounts, in addition to or in lieu of those listed above, that may be permitted by applicable law.

Section 10.4 Lessor shall have the remedy described in Civil Code Section 1951.4, which provides that, when a Lessee has the right to sublet or assign (subject only to reasonable limitations), the Lessor may continue the lease in effect under the Lessee's breach and abandonment and recover Rent as it becomes due. Accordingly, if Lessor does not elect to terminate this Lease on account of any default by Lessee, Lessor may enforce all of Lessor's rights and remedies under this Lease, including the right to recover all Rent as it becomes due.

Section 10.5 Lessor shall be in default under this Lease if Lessor fails to perform obligations required of Lessor within a reasonable time, but in no event later than thirty (30) calendar days after written notice by Lessee to Lessor. Lessee waives any right to terminate this Lease and to vacate the Premises on Lessor's default under this Lease. Lessee's sole remedy on Lessor's default is an action for damages or injunctive or declaratory relief.

Section 10.6 When this Lease requires service of a notice, that notice shall replace rather than supplement any equivalent or similar statutory notice, including any notices required by Code of Civil Procedure Section 1161 or any similar or successor statute. When a statute requires service of a notice in a particular manner, service of that notice (or a similar notice required by this Lease) in the manner required by this Lease shall replace and satisfy the statutory service-of-notice procedures, including those required by Code of Civil Procedure Section 1162 or any similar or successor statute.

Section 10.7 The Rent is due on the first day of the month. If the first day of the month falls on a Saturday, Sunday or holiday, the Rent is due to Lessor on the preceding business day. If Lessee fails to timely pay the monthly Rent, a late fee of ten percent (10%) of Lessee's Rent shall be charged.

Section 10.8 If the Premises or any portion are taken under the power of eminent domain, any award for the taking of all or any part of the Premises under the power of eminent domain shall be the property of Lessor, whether such award shall be made as compensation for diminution in value of the Leasehold or for the taking of the fee, or as severance damages. As a material part of the consideration for the Authority entering into this Lease, Lessee hereby waives any rights

that it might have under California Government Code Section 7264 and any similar Federal statute, regulation, circular or order for relocation benefits due to termination of this Lease by the Lessor.

ARTICLE 11. MISCELLANEOUS

Section 11.1 Lessee shall not place any sign or trade fixture upon the Premises without the Lessor's prior written consent.

Section 11.2 If the Premises or any portion are taken under the power of eminent domain, any award for the taking of all or any part of the Premises under the power of eminent domain shall be the property of Lessor, whether such award shall be made as compensation for diminution in value of the Leasehold or for the taking of the fee, or as severance damages.

Section 11.3 Performance by either party hereunder shall not be deemed to be in default, or considered to be a default, where delays or defaults are due to the force majeure events of war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, casualties, acts of God, acts of the public enemy, epidemics, pandemics, quarantine restrictions, freight embargoes or weather-caused delays (that are not attributable to the fault of the party claiming an extension of time) or acts or failure to act of any public or governmental agency or entity; provided that acts or failure to act of the Lessor shall not extend the time for the Lessor to act. An extension of time for any such force majeure cause shall be for the period of the enforced delay and shall commence to run from the date of occurrence of the delay; provided, however, that the party claiming the existence of the delay first provide the other party with written notice of the occurrence of the delay within fifteen (15) calendar days of the occurrence of the event giving rise to delay. The parties hereto expressly acknowledge and agree that changes in either general economic conditions or changes in the economic assumptions of any of them which may have provided a basis for entering into this Lease and which occur at any time after the execution of this Lease, are not force majeure events and do not provide any party with grounds for asserting the existence of a delay in the performance of any covenant or undertaking which may arise under this Lease. Also, financial inability to perform is not a force majeure event and shall not excuse any performance or delay in performance.

Section 11.4 Notwithstanding Section 11.3, Lessor shall have the right to terminate this Lease and shall have no obligation to repair, restore or rebuild the Premises or the Building, if damage or destruction resulting from a Force Majeure, including without limitation earthquakes, fires or floods, exceeds 25% of the value of the Premises. If Lessor elects to terminate this Lease pursuant to this Section, Lessor shall give written notice to Lessee not later than sixty (60) days after occurrence of the Force Majeure.

Section 11.5 This Lease shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of Lessor and Lessee, but nothing in this Section shall be construed as a consent by Lessor to any assignment of this Lease or any interest therein by Lessee.

Section 11.6 Except for the Facility Use & License Agreement referenced in Section 3.1, this Lease (including all Exhibits attached hereto) is the final expression of, and contains the entire agreement between, the parties with respect to the subject matter hereof and supersedes all prior understandings with respect thereto. This Lease may not be modified, changed, supplemented or terminated, nor may any obligations hereunder be waived, except by written instrument signed by the party to be charged or by its agent duly authorized in writing or as otherwise expressly permitted herein. No waiver by Lessor of any provision of this Lease shall be effective, unless in writing, and shall not constitute a waiver of any other provision of this Lease or of any subsequent breach by Lessee of the same or any other provision. This Lease may be executed in one or more counterparts, each of which shall be an original, and all of which together shall constitute a single instrument. The parties do not intend to confer any benefit hereunder on any person, firm or corporation other than the parties hereto.

Section 11.7 If any term or provision or portion thereof of this Lease or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Lease, or the application of such term or provision or portion thereof to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each such term and provision of this Lease shall be valid and enforced to the fullest extent permitted by law.

Section 11.8 Any Notice required or permitted to be given under this Lease shall be in writing and delivered to the following addresses for Lessor or Lessee, as applicable:

If to Lessor: Chief Executive Officer
Inland Valley Development Agency
1601 East Third Street, Suite 1
San Bernardino, California 92408
Tel: (909) 382-4100

If to Lessee:

After Commencement Date:

LAFCO for San Bernardino County
Samuel Martinez, Executive Officer
1601 East Third Street, Suite 102
San Bernardino, California 92408
Tel: (909) 388-0480
Fax: (909) 388-0481

Prior to Commencement Date:

LAFCO for San Bernardino County
Samuel Martinez, Executive Officer
1170 W 3rd Street, Suite 150
San Bernardino, California 92415-0490
Tel: (909) 388-0480

Either party may, by written notice to the other party, specify a different address for notice purposes. Any such notice or communication shall be deemed to be received by the addressee, regardless of whether or when any return receipt is received by the sender on the date set forth on such return receipt, on the day it is personally delivered to the other party or the date when it is sent by United States certified mail, postage prepaid.

Section 11.9

- (a) No waiver of any provision of this Lease shall be implied by any failure of Lessor to enforce any remedy for the violation of that provision, even if that violation continues or is repeated. Any waiver by Lessor of any provision of this Lease must be in writing. Such written waiver shall affect only the provisions specified and only for the time and in the manner stated in the writing.
- (b) No receipt by Lessor of a lesser payment than the Rent required under this Lease shall be considered to be other than on account of the earliest amount due, and no endorsement or statement on any check or letter accompanying a payment or check shall be considered an accord and satisfaction. Lessor may accept checks or payments without prejudice to Lessor's right to recover all amounts due and pursue all other remedies provided for in this Lease.
- (c) Lessor's receipt of monies from Lessee after giving notice to Lessee terminating this Lease shall in no way reinstate, continue, or extend the Lease Term or affect the Termination Notice given by Lessor before the receipt of those monies. After serving notice terminating this lease, filing an action, or obtaining final judgment for possession of the Premises, Lessor may receive and collect any Rent due, and the payment of that Rent shall not waive or affect such prior notice, action, or judgment.

Section 11.10 This Lease is subordinate to any ground Lease, mortgage, deed of trust or any other hypothecation or security now placed upon the real property of which the Premises are a part and to any and all obligatory advances made on such security. Notwithstanding such subordination, Lessee's right to quiet possession of the Premises shall not be disturbed, if Lessee is not in default, and so long as Lessee shall pay the Rent and observe and perform all of the provisions of this Lease, unless this Lease is otherwise terminated pursuant to its terms. Lessor represents and warrants that this Lease does not violate any other ground lease, mortgage, deed of trust or other interest in the Property or the Premises, and no default of any other ground lease, mortgage, deed of trust or other interest in the Property or the Premises presently exists that would disturb Lessee's quiet possession.

Section 11.11 If either party to this Lease brings an action to enforce or declare rights under this Lease, the prevailing party in any such action shall be entitled to its reasonable costs, attorneys' fees, accounting and engineering fees, and any other professional fees resulting therefrom and any appeals therefrom, and enforcement of any judgment in connection therewith, as determined by the court.

Section 11.12 Lessor and Lessor's agents shall have the right to enter the Premises at reasonable times for the purpose of inspecting the same, showing the same to prospective purchasers, lenders or lessees, and making such alterations, repairs, improvements or additions to the Premises as Lessor may deem necessary or desirable.

Section 11.13 Headings at the beginning of each paragraph and subparagraph are solely for the convenience of the parties and are not a part of this Lease. Whenever required by the context of this Lease, the singular shall include the plural and the masculine shall include the feminine and vice versa. This Lease shall not be construed as if it had been prepared by one of the parties, but rather as if both parties had prepared the same. Unless otherwise indicated, all references to sections are to this Lease. All exhibits referred to in this Lease are attached and incorporated by this reference. In the event the date on which Lessor or Lessee is required to take any action under the terms of this Lease is not a business day, the action shall be taken on the next succeeding business day.

Section 11.14 The parties hereto acknowledge that this Lease has been negotiated and entered into in California. The parties hereto expressly agree that this Lease shall be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California.

Section 11.15 Time is of the essence of this Lease and each of its provisions.

Section 11.16 It is understood and acknowledged that Lessor shall act by and through the authority of its Executive Director, who shall exercise all actions to be taken by Lessor.

Section 11.17 It is understood and agreed that this Lease shall not become effective until approved by the legislative body of the Lessor.

Section 11.18 This Lease may be executed in original counterparts, each of which shall be deemed to be an original for all purposes and all of which together shall constitute one and the same binding contract. This Lease, and any counterpart, may be executed by the facsimile signature of either party. A facsimile or photocopy signature is as valid and binding as an original signature for purposes of this Lease.

Section 11.19 The Lessee and the Lessor each represent and warrant to the other that it has had no dealings with any person, firm, real estate broker or finder in connection with the negotiation of this Lease and/or the consummation of the transaction, contemplated by this Lease and that no broker or other person, firm or entity is entitled to any commission or finder's fees in connection with this Lease. The Lessee and the Lessor agree to indemnify, protect, defend and hold the other harmless from and against liability for compensation or charges, including any reasonable incurred costs, expenses and/or attorney fees that may be claimed by any broker, finder or similar person by reason of any dealings or actions of the party from which such indemnity and defense is demanded.

Section 11.20 The Lessee shall within ten (10) days after written notice from the Lessor execute, acknowledge and deliver an Estoppel Certificate in writing in a form reasonably requested by Lessor, certifying to the complete performance of Lessor under this Lease or indicating in

writing any exceptions, plus such additional information, confirmation and/or statements as may be reasonably requested by the Lessor.

Section 11.21 If the Lessor desires to finance, refinance or sell the Premises, or any part of this Premises, the Lessee shall attorn to any potential lender or purchasers designated by the Lessor and shall provide such financial statements of the Lessee as may be reasonably required by such lender or purchaser, including, but not limited to the Lessee's financial statements for the previous three years.

THEREFORE, the Inland Valley Development Agency and the LAFCO for San Bernardino County execute this Lease by and through the signatures of their duly authorized representatives, as set forth below:

LESSOR:
INLAND VALLEY DEVELOPMENT AGENCY, a
Regional Joint Powers Authority

By: _____
Michael Burrows
Chief Executive Officer

Date: _____

LESSEE:
LAFCO for San Bernardino County

By: _____

Date: _____

By; _____

Date: _____

DRAFT

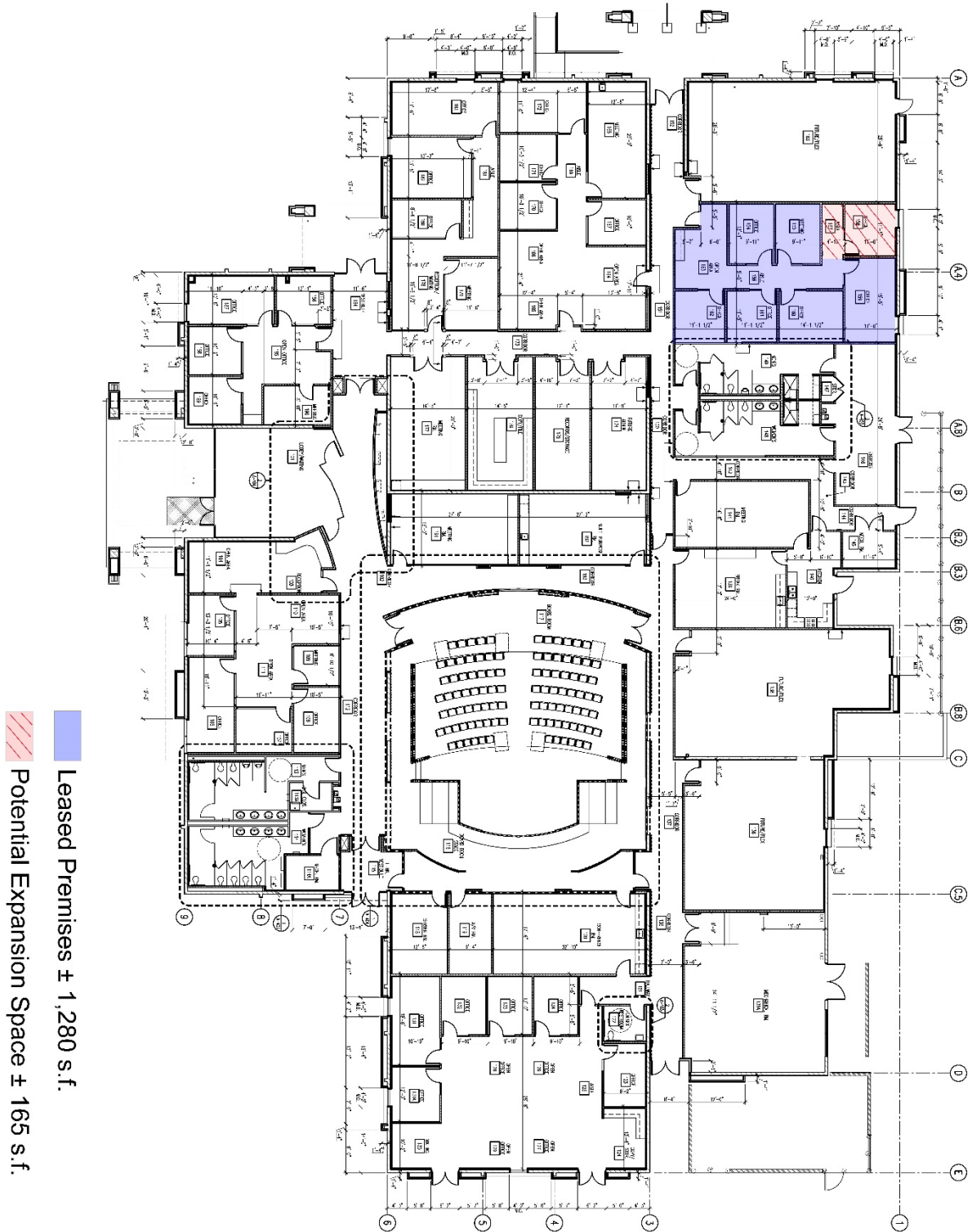
**Addendum to Lease Agreement
By and between
Inland Valley Development Agency (IVDA)
and the
Local Agency Formation Commission (LAFCO) for San Bernardino County**

Dated July 17, 2024

ARTICLE 12. EXPANSION SPACE

Section 12.1 Lessee shall have the right to expand the leased premises from approximately 1,280 rentable square feet to approximately 1,445 rentable square feet by notifying Lessor in writing sixty (60) days prior to Lessee's intended occupancy.

24
EXHIBIT "A"



FACILITY USE & LICENSE AGREEMENT

THIS LICENSE AGREEMENT is by and between the Inland Valley Development Agency, a Joint Powers Authority (hereinafter referred to as "IVDA"), and the person or firm referenced in Paragraph 1 of this License Agreement as the Licensee (hereinafter referred to as the "LICENSEE"):

1. GENERAL INFORMATION FOR LICENSE.

(PLEASE PRINT)

Local Agency Formation Commission for San Bernardino County				
(909) 388-0480		(909) 388-0481		
1170 W. 3 rd Street, Unit 150 San Bernardino, CA 92415-0490				
Same as above				
Samuel Martinez, Executive Officer		WORK (909) 388-0480	FAX: (909) 388-0481	EMAIL: smartinez@lafco.sbcounty.gov
Monthly LAFCO Board Meeting on every 3 rd Wednesday of the month commencing July 17, 2024 and continuing thereafter until expiration of the term of this License or until terminated.			\$1,000,000 per person per occurrence in accordance with Section 8 below.	
Use of the Norton Events Center Auditorium located at 1601 East 3 rd Street in San Bernardino, CA 92408 (Also known as the Norton Events Center), on every third Wednesday of the month from 9:00 until 12:00 noon.		This license includes utilities and janitorial service.		
<u>Security Deposit</u> \$810.00 (already paid)	<u>License Fee</u> \$225.00 (Auditorium) \$ 50.00 (AV set-up) \$130.00 (Room behind Dais) \$405.00 Total	July 1, 2024	June 30, 2026	

2. LICENSE. The IVDA hereby grants to LICENSEE a revocable license for the use of the facility or facilities ("Facility" or "Facilities") described in Paragraph 1 of this License Agreement, subject to the termination and default provisions of Sections 24 and 25, herein.

A. The Facilities shall be used solely for the purposes noted in Section 1, above.

B. No bailment is created by this License Agreement. This License Agreement shall not be interpreted as a lease nor shall this License Agreement be deemed to grant any property interest, possessory interest, or property right for any purpose including, but not limited to, the provisions for notices and the right to pay fees or quit the occupancy and lease of space as further provided in applicable laws of the State. The LICENSEE shall not under any circumstances be afforded the rights, privileges and remedies as are typically available to tenants in the State, nor shall the IVDA be deemed to be a landlord or lessor for any purposes under this License Agreement.

3. LOCATION. The IVDA retains the right to change the location to be used pursuant to this License Agreement and to coordinate such change with LICENSEE without substantial disruption of LICENSEE's work flow or interference with LICENSEE's customers' requirements or schedules. These changes may occur for the following reasons that include: construction, maintenance, repairs, safety, flooding, natural disasters, aircraft access, and other similar purposes. The IVDA,

through the Chief Executive Officer, shall provide fifteen (15) days prior written notice to LICENSEE of any request for change in location, including the reason for such change. The IVDA and LICENSEE shall work together to develop the location change without substantial interruption of LICENSEE's services to its customers as stated herein, above.

4. TERM. The Term of this License Agreement shall commence on the date referenced in Paragraph 1 of this License Agreement as the Term Start Date (July 1, 2024) and shall continue through the Expiration Date (defined as June 30, 2026) as set forth in Paragraph 1, above), unless otherwise terminated pursuant to the terms of this License Agreement, or unless IVDA and LICENSEE agree on and execute an additional extension of this License, upon such Expiration Date, and if no extension has been executed, LICENSEE shall immediately cease all operations and remove all personal property and equipment from the Facilities. Failure to do so will result in assessment of a daily fee in the amount of \$30.00 per day.

5. LICENSE FEES. For each month that LICENSEE uses the Facility, IVDA shall provide LICENSEE with an invoice, and LICENSEE shall pay to the IVDA a monthly license fee, without deduction, or setoff. The monthly license fee shall be the amount referenced in Paragraph 1 of this License Agreement. Fees not paid when due are subject to late fees of 10%, and if not paid within thirty (30) calendar days, an additional interest charge equal to 5% per annum of the then outstanding license fees for each month such fees remain delinquent. LICENSEE assumes all risk of loss if payments are made by mail.

IVDA acknowledges LICENSEE has already paid to IVDA a security deposit in the amount of \$810.00 ("Original Security Deposit"), pursuant to that earlier agreement between the parties dated on or about [REDACTED]. The parties acknowledge that the Original Security Deposit was used to pay certain fees and that the remaining balance retained by IVDA is \$[ADD AMOUNT]. IVDA may use, apply or retain all or any portions of the remaining security deposit for the payment of any amount due from LICENSEE to IVDA or to reimburse or compensate IVDA for any liability, expense, loss or damage which IVDA may suffer or incur due to LICENSEE's breach of this License.

The monthly license fee shall be adjusted effective July 1 of each year to reflect the percentage increase of the Consumer Price Index – All Urban Consumers (Riverside-San Bernardino-Ontario) as published by the United States Department of Labor, Bureau of Labor Statistics. The amount of the increase shall be computed by determining the percentage increase of the Cost of Living Index during the one-year period ending in the month of March of the year in which the adjustment becomes effective. After determination of the percentage increase, the monthly license fee shall be increased by said percentage effective with the month of July. However, in no case shall said adjustment be more than eight percent nor less than three percent of the monthly license fee in effect immediately prior to the adjustment.

6. INDEMNIFICATION. The IVDA shall not be liable to LICENSEE and LICENSEE hereby waives all claims against the IVDA for any injury or damage to any person or property in or about the Facilities by or from any cause whatsoever, except injury or damage to LICENSEE resulting from the acts or omissions of the IVDA or the IVDA's employees, agents, contractors, vendors, invitees or other licensees.

LICENSEE shall indemnify and hold the IVDA harmless from and defend the IVDA against any and all claims or liabilities for any injury or damage to any person or property whatsoever (1) occurring in, on or about the Facilities, or any part of it and (2) occurring in, on or about any part of the Facilities when that injury or damage was caused in part or in whole by the act, neglect, fault of or omission of any duty by the LICENSEE, its agents, servants, employees or invitees.

7. RELEASE AND DISCHARGE. IVDA shall not be responsible for, and assumes no liability arising from fire, theft, damage or loss to LICENSEE's property, unless such fire, theft, damage or loss arises from or relates to the acts or omissions of the IVDA or the IVDA's employees, agents, contractors, vendors, invitees or other licensees. LICENSEE hereby releases and discharges the IVDA from all claims and demands by LICENSEE for loss of or damage to LICENSEE's property, except for any claims or demands that arise from or relate to acts or omissions of the IVDA or the IVDA's employees, agents, contractors, vendors, invitees or other licensees.

8. INSURANCE REQUIREMENTS. LICENSEE shall obtain general liability insurance against liability for financial loss resulting from bodily injury, including death or personal injury, and damage to property caused by the ownership, operation, storage, and use of the facilities. The limit of liability shall be no less than the amount stated in Section 1, above, per person/occurrence. The IVDA shall be added as additional insured. The policy shall be endorsed to state that it shall not be

canceled or the limits reduced prior to thirty (30) days written notice being provided to the IVDA. A certificate evidencing the above insurance shall be provided to the Chief Executive Officer at the execution of this License Agreement and at any time thereafter at the request of the Chief Executive Officer. IVDA reserves the right, in its sole discretion to revise these insurance requirements at any time, with thirty (30) days prior written notice to LICENSEE.

9. REPAIR AND MAINTENANCE. LICENSEE shall immediately inform the Chief Executive Officer of any and all repairs to the Facilities that LICENSEE believes necessary or appropriate. IVDA shall maintain the Facility structure, including fire suppression, fire monitoring, and obstruction lighting, and shall pay all electrical, water, natural gas charges, and janitorial charges, including the Facility, its common areas, reciprocal access areas, and common facilities. LICENSEE shall maintain the Facilities in good and neat appearance and in a safe condition at all times when in use. After each use under this License Agreement, LICENSEE shall return the Facilities to the IVDA in substantially the same condition as the Facilities existed at the commencement of this License Agreement, ordinary wear and tear excepted.

10. RULES AND REGULATIONS. LICENSEE shall, at LICENSEE's sole cost and expense, comply with all of the requirements of all IVDA, county, state and federal authorities now in force, or which may hereafter be in force, pertaining to LICENSEE's use of the Facilities, and shall faithfully observe in the use of the Facilities all local ordinances and state and federal statutes and regulations, now in force or which may hereafter be in force.

11. RIGHT TO INSPECT. The IVDA and its authorized officers, agents, employees, volunteers, contractors, subcontractors and other representatives shall have the right to inspect the Facilities for business purposes, including, but not limited to the following:

- A. To inspect the Facilities at reasonable intervals during regular business hours (or at any time in case of emergency) to determine whether LICENSEE has complied with or is complying with the terms and conditions of this License Agreement;
- B. To make repairs, additions or alterations as may be necessary or convenient for the conduct, safety, improvement or preservation of the airport;
- C. For emergency purposes;
- D. In the exercise of IVDA, local, state and federal security requirements or regulations; and
- E. For periodic inspections by the San Bernardino Fire Department for compliance with fire safety codes. IVDA shall schedule the inspection with Fire Department personnel and LICENSEE shall provide access to the Facilities during the inspection period specified by the Fire Department.

The IVDA will make reasonable attempts to notify tenant prior to conduct any inspection. No inspection by or on behalf of the IVDA of the Facilities shall cause or constitute a termination of the License Agreement, or be deemed to constitute an interference with LICENSEE's use thereof.

12. SECURING THE FACILITIES. IVDA shall maintain all doors, locks and entry points in good working condition. IVDA shall provide LICENSEE with access to the Facility pursuant to the terms of this License. LICENSEE shall close and lock the Facilities' doors when the Facilities are unattended.

13. RESERVED-NO TEXT.

14. COMMERCIAL ACTIVITY. LICENSEE *shall not conduct any commercial activity* at or in the Facilities or at or on the San Bernardino International Airport ("Airport"), unless such activities are pursuant to a separate written agreement signed by both LICENSEE and the IVDA.

15. RESERVED-NO TEXT.

16. PROHIBITED MATERIALS; NUISANCE PROHIBITED. LICENSEE shall not store or use combustible chemicals or materials at or in the Facilities, except as permitted by the Fire Department and subject to IVDA's prior written approval. LICENSEE shall not store, dispense or otherwise handle fuel, compressed gasses or other hazardous materials, except in compliance with the provision of this License Agreement and all applicable laws and regulations. LICENSEE shall properly

dispose of all wastes and hazardous materials in a legal manner and in appropriate receptacles. LICENSEE shall not create a nuisance or perform any other act or thing which interferes with the quiet enjoyment of the airport by any other licensee or tenant or member of the public. For purposes of this paragraph, hazardous materials include, but are not limited to: (A) Substances which are flammable, explosive, corrosive, radioactive, toxic; (B) Those asbestos-containing materials defined and described in Environmental Protection Agency Report No. 56/5-85-024 (June 1985) whether or not friable, or any related or successor report, or other applicable government regulations defining or describing such materials; (C) Pesticides as defined by Section 136(u) of FIFRA (7 U.S.C. Section 136) as may be present in soil or groundwater; (D) "Hazardous wastes" as defined in Section 25117 of the California Health and Safety Code, or as a chemical that is known to the State of California "to cause cancer or reproductive toxicity" under the Safe Drinking Water and Toxic Enforcement Action of 1986, California Health and Safety Code sections 25249.5, *et. seq.*; and (E) Any material or substance defined hazardous materials, substances or waste, or toxic materials, substances or waste as those terms or similar terms are defined by any other federal, state or local law, rule, regulation, ordinance or order.

LICENSEE shall indemnify and hold IVDA harmless from and defend IVDA from all claims, losses, costs, damages, expenses, liabilities, liens, actions, causes of action, charges, assessments, fines, and penalties of any nature or kind related to or arising out of any hazardous materials used, stored or released by LICENSEE upon the Facility.

17. NO DAMAGE; COMPLIANCE WITH CODES. LICENSEE shall not by its own or its agents', employees' or invitees' actions cause any damage to the IVDA's property. LICENSEE's use of the Facilities shall conform to all Airport rules and regulations and local building and fire codes.

18. ALTERATIONS TO FACILITIES. LICENSEE shall not make or cause to be made any alterations or improvements to the Facilities, including modifications or alterations of the Facilities' electrical installations or equipment.

19. RESERVED-NO TEXT.

20. TAXATION. The privileges granted in this License Agreement may be subject to taxation and/or assessment. In such event, LICENSEE shall pay before delinquency, all taxes or assessments which at any time may be levied by the State, County, IVDA or any other tax assessment levying body upon the licensed premises and any improvements or fixtures located thereon. LICENSEE shall also pay all taxes, assessments, fees, and charges on all merchandise, fixtures, and equipment owned or used thereon.

21. RESERVED-NO TEXT.

22. NOTICES. Any notices required to be given under this License Agreement shall be in writing and shall be deemed properly delivered, given or served when personally delivered to the IVDA or LICENSEE, or in lieu of such personal service, sent by United States mail, registered or certified, return receipt requested, addressed to LICENSEE at the address referenced in Paragraph 1 of this License Agreement as licensee mailing address and to the IVDA as follows: Chief Executive Officer, Inland Valley Development Agency, 1601 East Third Street, Suite #100, San Bernardino, California 92408.

In the event of personal service, notice shall be deemed given when personally served. In the event of service by mail, notice shall be deemed to have been given seventy-two (72) hours after deposit of same in the United States mail post box in the State of California, postage prepaid, addressed as set forth above, or upon the date of the signed return receipt, whichever is sooner. LICENSEE shall keep his current mailing address and telephone number on file with the Chief Executive Officer during the term of this agreement and shall notify the Chief Executive Officer in writing within fifteen (15) days of any change of address or telephone number.

23. ASSIGNMENT. The License is personal to LICENSEE and shall not be assigned or otherwise transferred in whole or in part to any other person or entity.

24. TERMINATION. This revocable license may be terminated by either the IVDA or LICENSEE upon thirty (30) days prior written notice to the other party. The LICENSEE waives any rights that it might have to relocation assistance due to expiration of this License Agreement or termination or non-renewal of this License Agreement by the IVDA, under California Government Code Sections 7260, *et seq.*, or the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC §§4601, *et seq.*) or any similar Federal or State statute, regulation, circular or order.

25. BREACH OR DEFAULT OF LICENSE AGREEMENT. The occurrence of any of the following shall constitute a breach or default of this License Agreement by LICENSEE:

A. Failure to pay any fee due under this License Agreement when due; and

B. Except as otherwise specifically provided in this License Agreement, failure to perform any material provision of this License Agreement, or in any event wherein LICENSEE utilizes any area outside of the Facilities described in Exhibit "A," except as authorized by the separate Lease Agreement between the Parties; provided, however, Licensee shall have a period of thirty (30) days to cure the alleged violation, or such longer time as reasonably necessary if Licensee commences and diligently pursues a cure within thirty (30) days of notice.

In the event of a breach or default by LICENSEE, and expiration of any cure period, the IVDA may terminate the License by giving written notice to LICENSEE. Notices given under this paragraph shall specify the breach or default, and shall demand that LICENSEE perform the provisions of this License Agreement or pay the fee(s) that are in arrears within Twenty-Four (24) hours, or the License Agreement is terminated. Termination shall result in LICENSEE's removal of all personal property and equipment at its sole cost and expense.

The IVDA, at any time after LICENSEE commits a breach or default of this License Agreement, can cure the breach or default at LICENSEE's cost. If the IVDA, at any time, by reason of LICENSEE's breach or default, pays any sum or does any act that requires the payment of any sum, the sum paid by the IVDA shall be due immediately from LICENSEE to the IVDA at the time the sum is paid, and if paid at a later date shall be subject to late fees and penalty charges as shown in the IVDA's then current Schedule of Fees. The sum, together with the late fees or penalty charges, shall be an additional fee owed to the IVDA pursuant to this License Agreement.

26. ATTORNEY'S FEES. In any dispute between the IVDA and LICENSEE, the prevailing party shall be entitled to recover from the other party all reasonable costs, including without limitation, reasonable attorney's fees. "Prevailing party" shall include without limitation, a party who dismisses an action for specific performance or for damages in exchange for sums allegedly due, performance for covenants allegedly breached or consideration substantially equal to the relief sought in the action, or which receives from the other party, in connection with any dispute, performance substantially equivalent to any of these.

27. HEADINGS, REFERENCE, LAW AND JOINT AND SEVERAL LIABILITY. The titles and headings of the various paragraphs of this License Agreement are intended solely for convenience of reference and are not intended to explain, modify or place any construction on any of the provisions of this License Agreement. Masculine and feminine, or neutral gender and the singular and the plural number shall each be considered to include the other whenever the context so requires. This License Agreement shall be governed by and construed in accordance with the laws of the state of California. If either party consists of more than one person, each such person shall be jointly and severally liable.

28. NO WAIVER. No waiver by a party of any provision of this License Agreement or of the regulations governing the use of the Facilities shall be considered a waiver of any other provision or any subsequent breach of the same or any other provision, including the time for performance of any such provision. The exercise by a party of any remedy provided in this License Agreement or at law shall not prevent the exercise by that party of any other remedy provided in this License Agreement or at law.

29. NO PARTY DEEMED DRAFTER. In the event of a dispute between any of the parties hereto over the meaning of this License Agreement, no party shall be deemed to have been the drafter hereof, and the principle of law that contracts are construed against the drafter shall not apply.

30. ENTIRE AGREEMENT. This License Agreement contains all the representations and the entire understanding and agreement between the parties pertaining to the use of the Facilities or any other matters connected therewith, except for the separate Lease Agreement between the Parties. All correspondence, memoranda, or oral or written agreements pertaining to the Facilities or the parties hereto, which originated before the date of this License Agreement are null, void and no longer in force and with no effect, and are replaced in total with this License Agreement unless otherwise expressly stated in this License Agreement. This License Agreement shall not be altered, amended, or modified except by a writing signed by the IVDA and LICENSEE.

31. DATE OF AGREEMENT. The date of this License Agreement shall be that date that it shall have been signed by the IVDA, below.

Inland Valley Development Agency

Dated: _____

By: _____

Title: Michael Burrows, Chief Executive Officer

LICENSEE:
Local Agency Formation Commission for San Bernardino
County

Dated: _____

By: _____

Title: Samuel Martinez, Executive Officer

EXHIBIT “A”

Facilities

DRAFT



elevate your workplace™



Project ID / Who & Where

MOVE TO NEW BUILDING - SAMUEL MARTINEZ

Date:

7/3/2024

Quotation

230509

BILL TO:

1052

CO OF SB LAFCO
215 NORTH D STREET
SUITE 204
SAN BERNARDINO

CA 92415

SAMUEL MARTINEZ

Phone: (909)388-0489
Fax:

SHIP TO:

SAN BERNARDINO (3RD ST) LAFCO
1601 E 3rd St

San Bernardino

CA 92408

SAMUEL MARTINEZ

Phone: (909)388-0489
Fax:

Product Counts: Systems **0** Desk Units **6** Tables **0** Files **4** Chairs **0** Storage **0** Ancillary **0**

GRAND TOTAL

\$37,267.83

Product Summary / Scope of Work

COUNTY OF SAN BERNARDINO CONTRACT# 22-1283

QUOTE FOR: HERMAN MILLER AND ELEVATE FURNITURE

PREVAILING WAGE

FOR: SAMUEL MARTINEZ - BUILDING RELOCATION

LEAD TIME: 6-10 WEEKS

SCOPE OF WORK:

1) G/M TO RELOCATE EXISTING FURNITURE ROM 1170 3RD ST UNIT 150 TO 1601 E 3RD STREET

ITEMS TO BE RELOCATED:

- (02) EA EXISTING 42" ROUND TABLES
- (08) EA EXISTING TASK CHAIRS
- (10) EA EXISTING TASK CHAIRS
- (09) EA EXISTING 4-HIGH LATERAL FILES
- (04) EA EXISTING 2-H LATERAL FILES
- (01) EA COPY MACHINE
- (120) PACKED BOXES - G/M TO PROVIDE BOXES AND MOVE ONLY

2) G/M TO BRING TO SITE AND SET PLANNED FURNITURE INTO PLACE PER APPROVED DRAWINGS

3) PLEASE CONTACT SAMUEL MARTINEZ TO SCHEDULE SERVICES.

DESIGN SERVICES BREAKDOWN

Account Executive: Aaron Ellis (aellis@gmbi.net)

AMA: Tiffany Abreu (tabreu@gmbi.net)

Project PAS: Ashley Vallin

Page: 1

800-686-6583 800-686-6583 Fax: 951-684-0837

G/M Business Interiors

1099 W. La Cadena Drive, Riverside CA, 92501

<http://www.gmbi.net>

PREVAILING WAGE NON TAXABLE DESIGN SERVICES: (12) HRS @ \$55.00/HR = \$660.00

**G/M WILL HOLD PRODUCT FOR UP TO (2) WEEKS AT OUR WAREHOUSE FREE OF CHARGE. ANY PRODUCT REMAINING IN OUR WAREHOUSE AFTER THIS PERIOD WILL INCUR STORAGE FEES

NOTE: QUOTE WILL NEED TO BE ADJUSTED IF SERVICES TO TAKE PLACE AFTER BUSINESS HOURS, OR DURING THE WEEKEND

G/M				Quotation # 230509			
BOM	Who/What/Where						
A				List	List Ext	Sell	Sell Ext
LOT	1	FILE ROOM		3,223.00	3,223.00	1,073.71	1,073.71
Description:				Non-Tax Srvcs.	Taxable Srvcs.	Freight	Design Fee
(01) EA. HERMAN MILLER 30X60 MOTIA HEIGHT ADJUSTABLE TABLE				.00	.00	.00	.00
BOM: See Attached Bill of Materials							
Piece Count: 2							

BOM		Who/What/Where						
B				List	List Ext	Sell	Sell Ext	
LOT	1	MANAGERS OFFICE 159			28,339.00	28,339.00	8,152.86	8,152.86
Description:					Non-Tax Srvcs.	Taxable Srvcs.	Freight	Design Fee
(01) EA. HERMAN MILLER CANVAS U-SHAPE DESK WITH RENEW HEIGHT ADJUSTABLE BASE, LOWER STORAGE, WALL MOUNTED OVERHEADS & TACKBOARD & WARDROBE STORAGE					.00	.00	.00	.00
(01) EA. ELEVATE WIRELESS POWER UNIT								
BOM: See Attached Bill of Materials								
Piece Count: 40								

BOM		Who/What/Where						
C				List	List Ext	Sell	Sell Ext	
LOT	1	OFFICE 154			13,778.00	13,778.00	3,979.98	3,979.98
Description:					Non-Tax Srvcs.	Taxable Srvcs.	Freight	Design Fee
(01) EA. HERMAN MILLER CANVAS L-SHAPE DESK WITH RENEW HEIGHT ADJUSTABLE BASE, MOBILE B/F PEDESTAL AND WALL MOUNTED OVERHEADS & TACKBOARD					.00	.00	.00	.00
(01) EA. HERMAN MILLER TU SERIES STORAGE TOWER WITH WARDROBE, 68"H								
(01) EA. ELEVATE SINGLE MONITOR ARM, CLAMP MOUNT								
(01) EA. ELEVATE WIRELESS POWER UNIT								
BOM: See Attached Bill of Materials								
Piece Count: 27								

Account Executive: Aaron Ellis (aellis@gmbi.net)
AMA: Tiffany Abreu (tabreu@gmbi.net)

Project PAS: Ashley Vallin
Page: 2

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BOM		Who/What/Where				List	List Ext	Sell	Sell Ext
D									
LOT	1	OFFICE 155				13,778.00	13,778.00	3,979.98	3,979.98
Description:						Non-Tax Srvcs.	Taxable Srvcs.	Freight	Design Fee
(01) EA. HERMAN MILLER CANVAS L-SHAPE DESK WITH RENEW HEIGHT ADJUSTABLE BASE, MOBILE B/F PEDESTAL AND WALL MOUNTED OVERHEADS & TACKBOARD						.00	.00	.00	.00
(01) EA. HERMAN MILLER TU SERIES STORAGE TOWER WITH WARDROBE, 68"H									
(01) EA. ELEVATE SINGLE MONITOR ARM, CLAMP MOUNT									
(01) EA. ELEVATE WIRELESS POWER UNIT									
BOM: See Attached Bill of Materials									
Piece Count: 27									

BOM		Who/What/Where				List	List Ext	Sell	Sell Ext
E									
LOT	1	OFFICE 161				13,778.00	13,778.00	3,979.98	3,979.98
Description:						Non-Tax Srvcs.	Taxable Srvcs.	Freight	Design Fee
(01) EA. HERMAN MILLER CANVAS L-SHAPE DESK WITH RENEW HEIGHT ADJUSTABLE BASE, MOBILE B/F PEDESTAL AND WALL MOUNTED OVERHEADS & TACKBOARD						.00	.00	.00	.00
(01) EA. HERMAN MILLER TU SERIES STORAGE TOWER WITH WARDROBE, 68"H									
(01) EA. ELEVATE SINGLE MONITOR ARM, CLAMP MOUNT									
(01) EA. ELEVATE WIRELESS POWER UNIT									
BOM: See Attached Bill of Materials									
Piece Count: 27									

BOM		Who/What/Where				List	List Ext	Sell	Sell Ext
F									
LOT	1	OFFICE 162				13,778.00	13,778.00	3,979.98	3,979.98
Description:						Non-Tax Srvcs.	Taxable Srvcs.	Freight	Design Fee
(01) EA. HERMAN MILLER CANVAS L-SHAPE DESK WITH RENEW HEIGHT ADJUSTABLE BASE, MOBILE B/F PEDESTAL AND WALL MOUNTED OVERHEADS & TACKBOARD						.00	.00	.00	.00
(01) EA. HERMAN MILLER TU SERIES STORAGE TOWER WITH WARDROBE, 68"H									
(01) EA. ELEVATE SINGLE MONITOR ARM, CLAMP MOUNT									
(01) EA. ELEVATE WIRELESS POWER UNIT									
BOM: See Attached Bill of Materials									
Piece Count: 27									

Account Executive: Aaron Ellis (aellis@gmbi.net)
 AMA: Tiffany Abreu (tabreu@gmbi.net)

Project PAS: Ashley Vallin
 Page: 3

BOM

G

Who/What/Where

			List	List Ext	Sell	Sell Ext
LOT	1	BOXES				
			.00	.00	2.50	2.50

Description:

		Non-Tax Srvcs.	Taxable Srvcs.	Freight	Design Fee
G/M MOVING BOXES - 120 BOXES NEEDED FOR MOVE		.00	.00	.00	.00

BOM: See Attached Bill of Materials

Piece Count:

BOM

H

Who/What/Where

			List	List Ext	Sell	Sell Ext
LOT	1	Z G/M Services				
			.00	.00	.00	.00

Description:

		Non-Tax Srvcs.	Taxable Srvcs.	Freight	Design Fee
<p>G/M Furniture Planning Services, if applicable, include field measurements, drawing AutoCAD building shells, developing typical workstations and private office standards, space planning typicals into the floorplan, developing furniture color schemes, order specifications and receiving client approvals for all drawings and color schemes for order entry.</p> <p>G/M Project Management Services include drawings and field measure checks, order scheduling & routing, electrical consulting with contractors, field checks, monitoring construction progress along with delivery, assembly, punchlist coordination through final completion.</p> <p>G/M Project Services include receiving and inspecting of each product, shipping damage adjudication with vendors, transporting product if applicable, staging of products, delivery, setting in place of all furniture, level clean and polishing of all items, vacuum floors and recycling of all waste products associated with the furniture project.</p> <p>G/M Punchlist Services include formulation of the project punchlist, ordering and receiving of punchlist products, and delivery and assembly to finalize the punchlist and project.</p> <p>G/M Warranty Services Department is provided to offer clients our no-charge warranty service work for all furniture protected under valid factory warranties. G/M maintains electronic copies of our Client's invoices for warranty enforcement. For service requests, our Warranty Department may be contacted via e-mail at warranty@gmbi.net</p>		8,832.00	392.00	.00	660.00

BOM: See Attached Bill of Materials

Piece Count:

Account Executive: Aaron Ellis (aellis@gmbi.net)AMA: Tiffany Abreu (tabreu@gmbi.net)

Project PAS: Ashley Vallin

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Featured Product of the Month

HermanMiller
Cyclade Tables



G/M accepts credit cards at 0% for purchases up to \$10,000
Purchases over \$10,000 requires a surcharge of 2.75%

Product Subtotal:	\$25,148.99
Services (Taxable)	\$392.00
Freight (Taxable)	\$0.00
Services (Non-Taxable)	\$8,832.00
Design Services (Non-Taxable)	\$660.00
Taxable Subtotal:	\$25,540.99
Non-Taxable Subtotal:	\$9,492.00
Sales Tax (8.750%)	\$2,234.84
Total:	\$37,267.83

Terms:

50% Deposit 50% \$18,633.91

Terms:

50% On Delivery 50% \$18,633.91

I have reviewed the quote, the bill of materials, the drawings (if applicable), the color cards (if applicable), and other associated exhibits for my order.

- I approve the colors, fabrics, and finishes as previously selected and correct as shown on the attached exhibit.
- I am satisfied that the product I have selected is the correct size and is suitable and will perform for its intended purpose.
- I am aware this product is manufactured to order and is not returnable to G/M or to the manufacturer.
- I understand that legal title to the product will transfer upon delivery to my commercial or residential location and all associated labor is taxable until title transfers.
- I am aware additional costs charged for inside delivery, staging, setting in place, assembly, leveling, cleaning, polishing, recycling of waste materials are separately stated and are elected as an additional contract option.
- I am aware of the grand total price of this contract as shown on this quote.
- G/M is ordering your furniture from a variety of manufacturers to be aggregated and received into our G/M operated warehouse. Once the final portion of your order has been received, a "ready to deliver" notification will be sent to you. G/M, at this point, will graciously, store your complete order for up to two weeks at no charge. If for some reason you cannot accept a timely delivery within two weeks, a quote for one month's handling and storage shall be calculated and forwarded to you.
- This quote is valid for 30 days.

Approved by:

Signature

Print Name/Title

Date

Account Executive: Aaron Ellis (aellis@gmbi.net)

Project PAS: Ashley Vallin

AMA: Tiffany Abreu (tabreu@gmbi.net)

Page: 5

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<http://www.gmbi.net>

ITD Telecommunication Services Cost Estimate



Date: 7/3/2024

From: Alan Bodor
Special Projects Leader
ISD Telecommunication Services

Phone: (909)388-5513

To: Samuel Martinez

Subject: Cost estimate to establish communication services for the proposed LAFCO suite in the Norton Regional Event Center located at the San Bernardino Airport.

Per your request, the following is a cost estimate to establish new communication services for the proposed LAFCO Suite inside the Norton Regional Event Center building. This is an estimate only. Prices are subject to change due to availability, manufacturing price increases and change of requirements or scope of work. If you choose to accept this estimate, please open a new service request with the ITD Help Desk (909)884-4884 instructing ITD Telecommunication Services to proceed with the scope of work described in this estimate.

Scope: Pull up all existing cabling within the suite and coil in ceiling above to preserve for future tenants.

Install new cables to all locations within the suite and run back to new data cabinet location.

Purchase and install floor mount, half cabinet for fiber and data cabling/equipment.

Install (1) Cisco access point for wireless coverage within suite.

Relocate Frontier fiber from security office next door. Frontier to terminate fiber in new cabinet.

Relocate and install Cisco data switch for WAN connectivity. (A switch refresh may be required.

Certify all new cabling, pre-patch cables drops for Desktop Support prior to move.

Purchase TV and mount for conference room. Mount to be installed by others.

Purchase and install 1500VA UPS for battery back-up.

Note: This is an estimate based strictly on the scope of work above. Any variation in this scope will affect the cost of the estimate. Data switch costs, if necessary are not reflected on this estimate.

JCN#: 2024-94655

Cust: LAFCO

Labor and Material

<u>Part #</u>	<u>Description</u>	<u>Quantity</u>	<u>U/M</u>	<u>Unit Price</u>	<u>Price</u>
6P4P24-YL-P-BER	CAT 6, PLENUM DATA CABLE, YELLOW	5,000	FT.	\$0.45	\$2,250.00

49255-H48	LEVITON PATCH PANEL	1	EA.	\$53.92	\$53.92
61UJK-RE6	LEVITON CAT 6 JACK, BLACK	70	EA.	\$9.59	\$671.30
41080-2WP	2-PORT WALL FACEPLATE, WHITE	20	EA.	\$1.33	\$26.60
RS-1215-20	20A, RACK MONT POWER STRIP	1	EA.	\$111.30	\$111.30
AT1610EV-BU	10 FT., CAT 6 PATCH CABLE, BLUE	70	EA.	\$6.73	\$471.10
C6-BL-01-S	1 FT., SLIM CAT 6 PATCH CABLE, BLUE	75	EA.	\$3.97	\$297.75
CAT32HP	2" J-HOOK	50	EA.	\$5.26	\$263.00
AR3104	APC 48" DATA CABINET	1	EA.	\$1,564.92	\$1,564.92
ATA187	CISCO ANALOG MODULE	1	EA.	\$197.80	\$197.80
SRT1500RMXLA	1500VA UPS	1	EA.	\$2,342.72	\$2,342.72

Sub- Total: \$8,250.41

Tax: \$680.66

Labor: \$7,035.52

5% Cont. \$798.33

Total: \$16,764.92

SERVICE SELECTION AND PAYMENT

The approximate costs listed here are for Budgetary COST ESTIMATE purposes ONLY!

ISD Project Leader: _____ Date: _____

ISD/Network Services will purchase necessary equipment and transfer the cost of the equipment and installation from the account code listed below. Please provide account number.

Department:

Account Code:

ISD/Network Services: _____ Date: _____


Please Note: Future Adds, Moves, and Changes will be billed at ISD/Network Services standard rates. Repairs will be billed based on time & material.

Department Head 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

DATE: JULY 10, 2024 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #11: Unaudited Year-End Financial Report for FY 2023/24

RECOMMENDATION:

Staff recommends that the Commission:

1. Note receipt of this report and file.
2. Transfer appropriation of \$3,000 as follows:
 - a. From Expenditure Account 2400 (Legal Counsel), Services and Supplies
 - b. To Expenditure Account 1200 (Medical Premium Subsidy), Salaries and Benefits

SUMMARY:

1. Budget Markers

Fiscal Year 2023/24 has concluded, and staff presents the Commission with its final financial report. This report includes a review of the financial activities and the presentation of a spreadsheet (see Attachment) showing the line-item expenditures and receipts during the year. The summary table below shows that Total Expenditures did not exceed appropriations; however, Salaries and Benefits exceeded appropriations by roughly \$3,000 due to an increase in the Medical Premium subsidy approved by the Commission. For Revenues, the Fees and Deposits category earned 121% of expected revenue, with Total Revenues of 108% exceeding expectations. The table below is a snapshot through the year-end.

Expenditures		Revenues	
Salaries and Benefits	100.4%	Apportionment	100%
<i>(slightly above appropriations, before budget adjustment)</i>		<i>(met goal)</i>	
Services and Supplies	76%	Fees and Deposits	121%
<i>(below appropriations)</i>		<i>(above goal)</i>	
TOTAL	91%	TOTAL	108%

2. Applications

The table below identifies the number of proposals and service contracts budgeted and received. Proposals received were one less than budgeted. However, service contracts vastly exceeded the budget.

Activity	Budget	THRU	JUNE
		No.	% of Budget
Commission: Proposals	6	5	83%
Commission: Service Contracts	4	12	300%
Administrative: Service Contracts	4	7	175%

3. Cash in Treasury

As of June 30, the Commission's cash in the County Treasury was \$764,139. A breakdown of this amount is shown below. None of the reserves were used this year, which carries over into FY 2024/25.

June 30, 2024 Balance		\$764,139
Cash Balance is composed of the following:		
<i>Reserves: Committed (constrained to specific purposes)</i>		
Compensated Absences (Account 6030)		167,095
Salary for Extra Pay Period: Year 3 of 10 (Account 6035)		9,000
<i>Reserves: Assigned (intended for specific purposes)</i>		
Contingency (Account 6000)		35,000
General Reserve (Account 6025)		225,000
<i>Remaining Expenditures</i>		106,408
<i>Carryover: Open Proposals</i>		20,838
<i>Carryover: Assigned for 2024/25 Budget, Application Reserve</i>		110,000
<i>Carryover: Assigned for Move Office</i>		60,000
Projected Additional Cash Carryover		\$30,798

DETAIL:

The following provides a discussion of (1) expenditures, (2) reserves, (3) projects and programs, and (4) revenues.

1. Expenditures

Expenditures are composed of two categories of accounts: 1) Salaries and Benefits, and 2) Services and Supplies. At year's end, expenditures were at 91% of Approved Budget authority. A more detailed analysis of the categories is as follows:

A. Salaries and Benefits (1000 series)

The Salaries and Benefits series of accounts (1000 series) had expenditures of \$757,318, representing 100.4% of budget authority. In April, the Commission approved an increase to the Medical Premium Subsidy, mirroring the increase to the County Exempt Plan, which pushed expenditures slightly over appropriations. This report recommends a \$3,000 transfer of appropriations from a Services and Supplies account (2400 Legal Counsel) to a Salaries and Benefits account (1200 Medical Premium Subsidy).

B. Services and Supplies (2000 and 5000 series)

Through year's end, the Services and Supplies series of accounts (2000 and 5000 series) had expenditures of \$330,558, or 76% of budget authority.

Unrecoverable legal costs decreased significantly, which is the primary reason for Services and Supplies being lower than the budget. Currently, the Commission is engaged in one legal matter where costs are not recoverable.

2. Reserves

None of the reserves were used this year, which carries over into FY 2024/25.

3. Projects and Programs

The following provides an update on expenditures and progress on projects approved by the Commission.

A. Sustainable Agricultural Lands Conservation (SALC) Program

In May 2021 the CA Department of Conservation (DOC) awarded LAFCO the SALC Program Planning Grant. LAFCO's partner in the grant was the Inland Empire Resource Conservation District (via a cooperative agreement setting terms for roles and reimbursement). All work with the DOC is complete, and the grant is now officially closed.

LAFCO staff is currently formulating policies for Commission review within the coming months.

B. Service Reviews and Special Studies

The focused service review for Barstow Cemetery District was completed in January. Staff are nearing completion of a draft of the Big River Community Services District review. Additionally, the Healthcare District service review is underway.

C. Governance Training Program

LAFCO and CSDA partnered on this year's Governance Training sessions. The first session, *Introduction to Special District Finances for Board Members*, was held at the Mojave Water Agency on November 17. The second session, *Ethics AB1234 Compliance*, was held as a webinar on January 31.

4. Revenues

Year-end revenues received were 108% of the anticipated budget. The items below outline the revenue activity:

- Interest (Account 8500) – The gain from investment returns was more than twice that of the budget. The County Treasury allocated LAFCO \$34,791 for the year.
- Apportionment (Account 8842) - 100% of the mandatory apportionment payments from the County, cities, and independent special districts billed by the County Auditor have been received.
- Fees and Deposits (Accounts 9545 – 9800) – Fees and Deposits series of accounts have received 121% of its budgeted revenue (\$130,347). This amount is made up of a combination of proposal and service contract filing fees.
- Miscellaneous (Account 9930) – \$31,879 was recovered related to environmental processing from a closed application.

CONCLUSION:

On a cash basis, the year ended with total expenditures within appropriations and revenues above budget.

Staff will be happy to answer any questions from the Commission prior to or at the hearing regarding the items presented in this report.

SM/MT

Attachment: Spreadsheet of Expenditures, Reserves, and Revenues

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	FY 23/24 ADOPTED	FY 23/24 AMENDED JUNE 2024	TOTAL THRU Q3	APR	MAY	JUN	TOTAL THRU JUNE	PERCENT THRU JUNE
	SALARIES AND BENEFITS								
1010	Earnable Compensation	480,931	480,931	351,710	41,662.67	53,295	35,530.02	482,198	100%
1030	Auto and Cell Phone Allowances	9,275	9,275	6,650	731.50	1,050	700.00	9,132	98%
1045	Termination Payment							-	
1110	General Member Retirement	144,590	144,590	106,040	11,501.91	16,021	10,956.39	144,520	100%
1130	Survivors Benefits	87	87	70	7.73	11	7.36	96	110%
1200	Medical Premium Subsidy	48,287	51,287	36,561	4,183.95	5,809	4,010.52	50,565	99%
1205	Long-Term Disability	1,085	1,085	952	124.16	156	104.18	1,337	123%
1207	Vision Care Insurance	568	568	455	50.08	72	47.92	625	110%
1215	Dental Insurance Subsidy	897	897	727	79.96	115	76.52	998	111%
1222	Short-Term Disability	5,322	5,322	3,687	401.06	580	386.52	5,054	95%
1225	Medicare	5,568	5,568	4,150	459.17	635	429.63	5,674	102%
1240	Life Insurance & Medical Trust Fund	15,527	15,527	10,800	1,241.97	1,719	1,145.94	14,907	96%
1305	Medical Reimbursement Plan	4,767	4,767	1,980	233.58	318	211.70	2,743	58%
1314	457/401a Contribution	3,290	3,290	2,341	268.33	372	248.30	3,230	98%
1315	401k Contribution	34,183	34,183	26,251	3,020.91	4,180	2,786.96	36,239	106%
	TOTAL SALARIES & BENEFITS	\$ 754,378	\$ 757,378	\$ 552,375	\$ 63,966.98	\$ 84,333.66	\$ 56,641.96	\$ 757,318	100.0%
	SERVICES AND SUPPLIES								
2031	Payroll System Services (County IT)	676	676	503	55.92	55.92	111.84	727	108%
2032	Virtual Private Network (County IT)	213	213	147	17.30	17.30	34.60	216	102%
2033	Network Labor Services (County IT)	-	-	-				-	
2037	Dial Tone (County IT)	2,721	2,721	1,999	249.84	249.84	499.68	2,998	110%
2041	Data Line	8,400	8,400	5,819	1,948.14			7,767	92%
2043	Electronic Equipment Maintenance (County IT)	-	-	-				-	
2075	Membership Dues	12,769	12,769	13,936				13,936	109%
2076	Tuition Reimbursement	2,000	2,000	-				-	0%
2080	Publications	3,587	3,587	2,873	633.36			3,507	98%
2085	Legal Notices	23,500	23,500	9,955	1,926.39	257.60		12,139	52%
2090	Building Expense	7,056	7,056	10,208	960.00	588.00	588.00	12,344	175%
2115	Software	1,904	1,904	8,446	9.00	969.95		9,425	495%
2135	Utilities	-	-	-				-	
2180	Electricity	7,800	7,800	5,000	463.51	443.56	458.41	6,366	82%
2245	Other Insurance	19,840	19,840	13,220				13,220	67%
2305	General Office Expense	4,198	4,198	5,318	153.31	152.12	40.74	5,664	135%
2308	Credit Card Clearing Account	-	-	150	(1,886.48)	-	1,425.22	(312)	

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	FY 23/24 ADOPTED	FY 23/24 AMENDED JUNE 2024	TOTAL THRU Q3	APR	MAY	JUN	TOTAL THRU JUNE	PERCENT THRU JUNE
2310	Postage - Direct Charge	5,916	5,916	6,226	378.32	1,955.85	535.28	9,095	154%
2315	Records Storage	914	914	1,165	116.22	116.22		1,397	153%
2322	Enterprise Printing (County IT)	86	86	34				34	39%
2323	Reproduction Services	500	500	260	239.01		18.96	518	104%
2335	Temporary Services	21,600	21,600	393				393	2%
2400	Legal Counsel	59,000	56,000	15,728	974.79	2,820.69	1,886.70	21,410	38%
2405	Auditing	12,073	12,073	6,707		8,625.00		15,332	127%
2410	IT Infrastructure (County IT)	6,840	6,840	6,399	711.00	711.00	705.00	8,526	125%
2414	Application Dev. & Maint. (County IT)	8,076	8,076	-				-	0%
2415	Countywide Cost Allocation Program (COWCAP)	-	-	-				-	
2416	Enterprise Printing (County IT)	-	-	-				-	
2417	Inactive Account (County IT)	-	-	-				-	
2418	Data Storage Services (County IT)	-	-	-				-	
2420	Enterprise Content Management (County IT)	4,724	4,724	2,762	340.15	340.15	680.30	4,122	87%
2421	Desktop Support Services (County IT)	9,636	9,636	6,287	684.39	684.39	1,368.78	9,025	94%
2424	Environmental Consultant	8,230	8,230	10,395	1,337.50	1,147.50		12,880	157%
2444	Security Services	492	492	369	123.00			492	100%
2445	Other Professional Services	97,269	97,269	33,261	11,734.94	5,100.43	4,107.26	54,203	56%
2449	Outside Legal (Litigation & Special Counsel)	-	-	2,990				2,990	
2450	Systems Development Charges (County IT)	2,588	2,588	-				-	0%
2460	Aerial Imagery (County IT)	3,000	3,000	-	3,000.00			3,000	100%
2895	Rent/Lease Equipment (copier)	5,400	5,400	3,276	407.87		520.52	4,204	78%
2905	Office/Hearing Chamber Rental	63,917	63,917	48,724	15,088.68	405.00		64,218	100%
2940	Private Mileage	7,311	7,311	4,091	481.04	528.74		5,101	70%
2941	Conference/Training	6,780	6,780	6,925				6,925	102%
2942	Hotel	12,050	12,050	6,591		1,039.35		7,630	63%
2943	Meals	1,050	1,050	413		77.82		491	47%
2944	Car Rental	-	-	1,062		206.55		1,269	
2945	Air Travel	800	800	1,152	385.91			1,538	192%
2946	Other Travel	300	300	577		315.94		893	298%
5012	Transfer to County (Staples & Microsoft)	6,690	6,690	1,137	398.75	5,199.24	141.17	6,876	103%
TOTAL SERVICES & SUPPLIES		\$ 439,905	\$ 436,905	\$ 244,496	\$ 40,931.86	\$ 32,008.16	\$ 13,122.46	\$ 330,558	76%
TOTAL EXPENDITURES		\$ 1,194,283	\$ 1,194,283	\$ 796,871	\$ 104,898.84	\$ 116,341.82	\$ 69,764.42	\$ 1,087,876	91%
TRUST TRANSFERS									

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	FY 23/24 ADOPTED	FY 23/24 AMENDED JUNE 2024	TOTAL THRU Q3	APR	MAY	JUN	TOTAL THRU JUNE	PERCENT THRU JUNE
9990	SBCERA Additional Payment	52,500	52,500			52,500.00		52,500	
TOTAL TRUST TRANSFERS		\$ 52,500	\$ 52,500	\$ -	\$ -	\$ 52,500.00	\$ -	\$ 52,500	100%
<i>TOTAL APPROPRIATION</i>		\$ 1,246,783	\$ 1,246,783	\$ 796,871	\$ 104,898.84	\$ 168,841.82	\$ 69,764.42	\$ 1,140,376	91%

Attachment #1

Budget Spreadsheets

ACCT. #	ACCOUNT NAME	YEAR END FY 22/23	Increase FY 23/24	THRU MID YEAR	THRU 3RD Q	THRU YEAR END	TOTAL as of JUNE
	RESERVES (Increases)						
6000	Contingency (Assigned)	30,000	5,000	-	-	-	35,000
6025	General (Assigned)	200,000	25,000	-	-	-	225,000
6030	Compensated Absences (Committed)	157,095	10,000	-	-	-	167,095
6035	Salary for Extra Pay Period (Committed)	6,000	3,000	-	-	-	9,000
TOTAL RESERVES (Increases)		\$ 393,095	\$ 43,000	\$ -	\$ -	\$ -	\$ 436,095


Attachment #1

Budget Spreadsheets

ACCT #	ACCOUNT NAME	ADOPTED FY 23/24	TOTAL THRU Q3	APR	MAY	JUN	TOTAL THRU JUNE	PERCENT THRU JUNE
	County Treasury:							
8500	Interest	10,000	20,698	14,092.69			34,791	348%
9984	Interest Adjustment		20,258				20,258	
8842	Apportionment	1,172,284	1,172,283				1,172,283	100%
	Total County Treasury	1,182,284	1,213,238.86	14,092.69	-	-	1,227,332	104%
	Applications:							
9545	Individual Notice Deposit	9,000	13,275	2,000.00	1,000.00	(3,976.33)	12,298	137%
9555	Legal Services Deposit	12,000	16,300	1,400.00	1,863.55	(11,222.63)	8,341	70%
9595	Protest Hearing Deposit	3,000	1,500				1,500	50%
9655	Digital Mapping Fee	2,735	1,430	400.00			1,830	67%
9660	Environmental Deposits	7,800	21,821	1,400.00	(3,110.76)		20,110	258%
9800	LAFCO Fee	72,964	82,139	2,942.00	1,187.00		86,268	118%
	Total Fees and Deposits	107,499	136,464.49	8,142.00	939.79	(15,198.96)	130,347	121%
	Other:							
9560	Indemnification Recovery		-				-	
9910	Prior Year Activity (refunds, collections)		-				-	
9930	Miscellaneous		38,198				38,198	
9970	Carryover of Fund Balance		-				-	
9973	Stale-dated Checks		-	725.50			726	
	Total Other Revenues	-	38,198	725.50	-	-	38,924	
	TOTAL REVENUES	\$ 1,289,783	\$ 1,387,902	\$ 22,960.19	\$ 939.79	\$ (15,198.96)	\$ 1,396,603	108%

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: JULY 10, 2024 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #12: Appointment of Voting Delegate and Alternate Voting Delegate for the CALAFCO Conference Regional Caucus Elections and the Annual Business Meeting, and Consideration of Nominations for the CALAFCO Board of Directors

RECOMMENDATION:

Staff recommends that the Commission:

1. Select Chair Acquanetta Warren as voting delegate (and Vice Chair Steven Farrell as alternate voting delegate) to cast this Commission's vote for CALAFCO Board Member during the Regional Caucus Elections and for any items during the Annual Business Meeting; and,
2. For CALAFCO Board Member election nomination/selection:
 - a) Nominate Acquanetta Warren for the Southern Region City Member seat that she currently holds on the CALAFCO Board of Directors; and,
 - b) Direct the voting delegate to select incumbents Acquanetta Warren for the City Member seat and Derek McGregor (Orange LAFCO) for the Public Member seat as the Southern Region representatives to the CALAFCO Board of Directors.

BACKGROUND:

At the CALAFCO Annual Conference in October 2024, elections will occur for the Southern Region representatives on the CALAFCO Board of Directors (Board). The Board positions up for election for 2024/25 are City and Public member representatives. These positions are for a two-year term.

Voting Delegate for Regional Caucus Elections and the Annual Business Meeting:

Pursuant to CALAFCO bylaws, the member LAFCO's voting delegate (or alternate) designated to cast the Commission's vote for CALAFCO Board Member during the Regional Caucus Elections must be forwarded to the CALAFCO Executive Director prior to the conference.

In addition, the voting delegate (or alternate) may be required to cast this Commission's vote on other matters during the CALAFCO Annual Business Meeting.

LAFCO staff is recommending that the Commission designate:

- Chair Acquanetta Warren as the voting delegate; and,
- Vice Chair Steven Farrell as the alternate voting delegate.

Nomination and Selection of Candidates for Board of Directors:

As outlined in the attached memo from CALAFCO regarding the CALAFCO 2024-25 Nominations for Board of Directors, there are two positions on the CALAFCO Board representing the Southern Region whose terms are expiring this year.

The first position is for the City member seat, currently held by Chair Acquanetta Warren. Chair Warren has indicated her desire to continue in this position. It should also be noted that she is currently the Vice Chair on the CALAFCO Board.

The second position is for the Public member, currently held by Orange LAFCO Commissioner Derek McGregor. Commissioner McGregor has also indicated his desire to continue in this position.

Therefore, LAFCO staff is recommending that the Commission nominate Chair Warren to her current seat on the CALAFCO Board and submit her nomination documents to CALAFCO prior to the September 16, 2024 deadline, and direct the voting delegate to select both Chair Warren and Orange LAFCO Commissioner McGregor as the Southern Region representatives to the CALAFCO Board.

Staff will be happy to answer any questions prior to or at the hearing on the voting delegate information and the proposed nomination and/or the proposed selections for the CALAFCO Board.

Attachments: 1) [2024 CALAFCO Voting Delegate Form](#)
2) [2024-25 CALAFCO Board of Directors Nomination Packet](#)



1451 River Park Drive, Ste 185
Sacramento, CA 95815
(916) 442-6536

NOMINATION OF 2024 CALAFCO VOTING DELEGATE

The Local Agency Formation Commission of the below named county, hereby nominates and names the following Commissioners as its duly authorized voting delegate and alternate for purposes of the 2024 CALAFCO Board of Directors election to be held on Thursday, October 17, 2024, during the CALAFCO Regional Caucus and Annual Meeting in Fish Camp, California.

County Name:

Delegate:

Alternate:

Appointment Authorized by:

Name of individual completing form on behalf of the LAFCo:

Will your delegate or alternate be attending the CALAFCO Annual Conference?

Yes:

No:

PLEASE RETURN COMPLETED FORM BY **SEPTEMBER 16, 2024 TO:**

René LaRoche via email to: rlaroch@calafco.org

Late submissions will NOT be accepted.



Date: May 21, 2024

To: Local Agency Formation Commission Members and
Alternate Members

From: Kenneth Leary, Committee Chair
CALAFCO Board Election Committee
CALAFCO Board of Directors

RE: Nomination Period Now Open for 2024/2025 CALAFCO Board of Directors



The Nomination Period is now open for the fall elections of the CALAFCO Board of Directors for the following seats:

CENTRAL REGION	COASTAL REGION	NORTHERN REGION	SOUTHERN REGION
County Member District Member	County Member District Member	City Member Public Member	City Member Public Member

Please inform your Commission that the CALAFCO Election Committee will be accepting nominations for the above-cited seats until:

MONDAY, SEPTEMBER 16, 2024

Serving on the CALAFCO Board is a unique opportunity to work with other commissioners throughout the state on legislative, fiscal, and operational issues that affect us all. The Board meets four to five times each year, generally virtually. However, strategic plan retreats and other meetings may be scheduled in-person and will alternate around the state. A job description is attached that more fully discusses director responsibilities and time commitment.

Board terms span a two-year period, with no term limits, and any LAFCO commissioner or alternate commissioner is eligible to run for a Board seat.

Elections will be conducted during Regional Caucuses at the CALAFCO Annual Conference prior to the Annual Membership Meeting on Thursday, October 17, 2024 at the Tenaya Lodge in Fish Camp, California.

Should your Commission nominate a candidate, please return the completed Nomination Form and Candidate's Résumé Form by the deadline. Completed nomination forms and all materials must be RECEIVED by CALAFCO by the deadline.

Electronic filing of nomination forms is ***highly encouraged*** to facilitate the recruitment process. Please email to info@calafco.org. However, hard copy forms and materials may also be mailed to:

Election Committee c/o Executive Director
California Association of Local Agency Formation Commissions
1451 River Park Drive, Suite 185
Sacramento, CA 95815

Complete nominations received by the September 16th deadline will be included in the Election Committee's Report that will be distributed to LAFCO members. Candidate names will be listed in the report, and on the ballot, in the order nominations are received. The Election Committee Report will be distributed no later than October 3, 2024, with ballots made available to Voting Delegates at the Annual Conference.

Nominations received after the deadline will be returned; however, nominations may be made from the floor during the Regional Caucuses or during at-large elections, if required, at the Annual Membership Meeting.

For those member LAFCOs who cannot send a representative to the Annual Meeting, an electronic ballot will be made available if requested in advance. Ballot requests must also be received no later than Monday, September 16, 2024, with completed absentee ballots due by no later than Thursday, October 10, 2024.

NOMINATION/ELECTION PROCESS DEADLINES AND TIMELINES

- **May 21** – Nomination Announcement and packet sent to LAFCO membership and posted on the CALAFCO website.
- **September 16** – Completed Nomination packet due
- **September 16** – Request for an absentee/electronic ballot due
- **September 16** – Voting delegate name due to CALAFCO
- **October 3** – Distribution of the Election Committee Report (includes all completed/submitted nomination papers)
- **October 3** – Distribution of requested absentee/electronic ballots.
- **October 10** – Absentee ballots due to CALAFCO
- **October 17** - Elections

If you have any questions about the election process, please contact CALAFCO Executive Director René LaRoche at rlaroche@calafco.org or by calling 916-442-6536.

Members of the 2024/2025 CALAFCO Election Committee are:

Kenneth Leary, Committee Chair	Napa LAFCO (Coastal Region)
Bill Connelly	Butte LAFCO (Northern Region)
Kimberly Cox	San Bernardino LAFCO (Southern Region)
Anita Paque	Calaveras LAFCO (Central Region)

To assist you in this consideration, you will find attached for your reference a copy of the CALAFCO Board Member Job Description, the CALAFCO Board of Directors Nomination and Election Procedures and Forms, and the current listing of Board Members and corresponding terms of office.

I sincerely hope that you will consider joining us!

Attachments.



Board Member Job Description

California Association of Local Agency Formation Commissions (CALAFCO) Member of the Board of Directors

Mission

As a 501(c)(3) nonprofit organization, CALAFCO supports LAFCOs by *promoting efficient and sustainable government services based on local community values through legislative advocacy and education.*

For more information, please see CALAFCO's website at www.calafco.org.

Values

The underlying values that define our organization are: *dependability, efficiency, honesty, and transparency.*

Duties

Board members have the following legal duties:

1. **Duty of Care:** *Ensuring prudent use of all assets including financial, facility, people, and good will.*
2. **Duty of Loyalty:** *Ensuring that the association's activities and transactions are, first and foremost, advancing its mission; Recognizing and disclosing conflicts of interest; Making decisions that are in the best interest of the association and not in the best interest of an individual board member, or any other individual or entity.*
3. **Duty of Obedience:** *Ensuring that the association obeys applicable laws and regulations; follows its own bylaws and policies; and that it adheres to its stated corporate purposes/mission.*

Position

The Board is a governing body and is expected to support the work of CALAFCO by providing mission-based leadership and strategic governance. While day-to-day operations are led by CALAFCO's Executive Director (ED), the Board-ED relationship is a partnership and the appropriate involvement of the Board is both critical and expected. Board Members are tasked with the Leadership, Governance, and Oversight of the association. Responsibilities include, but are not limited to:

- Representing CALAFCO to stakeholders; acting as an ambassador for the organization to regional members and California legislators.

- Approving policies that provide the appropriate authority and guidance for/to the ED in the administration of the organization.
- Serving as a trusted advisor to the ED.
- Participating in strategic planning retreats.
- Reviewing agenda and supporting materials, and communicating question to the Executive Director, prior to board and committee meetings.
- Weighing the organization's outcomes against strategic plan initiatives.
- Approving CALAFCO's annual budget, financial reports, and business decisions; being informed of, and meeting all, legal and fiduciary responsibilities.
- Assisting the ED and board chair in identifying and recruiting other Board Members to ensure CALAFCO's commitment to a diverse board and staff that recognizes the differing perspectives among LAFCOs.
- Partnering with the ED and other board members to ensure that board resolutions are carried out.
- Serving on committees or task forces and taking on special assignments, as needed.

Board Terms/Expected Participation

CALAFCO's Board Members are elected during regional caucuses held at the association's annual meeting, and serve two-year terms.

Regular board meetings are held quarterly, special meetings are called as needed, strategic planning retreats are held every two years, committee meetings are called at different times during the year, and legislative canvassing in Sacramento may be needed. Two absences, within a calendar year, from any regularly scheduled board meetings constitutes a resignation of the Board member.

Qualifications

Board Members must be seated LAFCO Commissioners at their local level.

This is an extraordinary opportunity for an individual who is passionate about the importance of the role that LAFCOs play in the sustainable growth of a region, and who has a track record of leadership. His/her accomplishments will allow him/her to interface effectively with the state legislature, as well as attract other well-qualified, high-performing Board Members.

Remuneration

Service on CALAFCO's Board of Directors is without remuneration. Administrative support, travel, and accommodation costs are typically provided by a director's home LAFCO.



Board of Directors Nomination and Election Procedures and Forms

The procedures for nominations and election of the CALAFCO Board of Directors [Board] are designed to assure full, fair and open consideration of all candidates, provide confidential balloting for contested positions and avoid excessive demands on the time of those participating in the CALAFCO Annual Conference.

The Board nomination and election procedures shall be:

1. APPOINTMENT OF AN ELECTION COMMITTEE:

- a. Following the Annual Membership Meeting the Board shall appoint an Election Committee of four members of the Board. The Election Committee shall consist of one member from each region whose term is not ending.
- b. The Board Chair shall appoint one of the members of the Election Committee to serve as Committee Chair. The CALAFCO Executive Director shall either serve as staff to the Election Committee or appoint a CALAFCO regional officer to serve as staff in cooperation with the Executive Director.
- c. Each regional officer shall serve as staff liaison to the Election Committee specifically to assist in conducting the election as directed by the Executive Director and Committee.
- d. Goals of the Committee are to encourage and solicit candidates by region who represent member LAFCOs across the spectrum of geography, size, and urban-suburban-rural population, and to provide oversight of the elections process.

2. ANNOUNCEMENT TO ALL MEMBER LAFCOs:

- a. No later than four months prior to the Annual Membership Meeting, the Election Committee Chair shall send an announcement to each LAFCO for distribution to each commissioner and alternate. The announcement shall include the following:
 - i. A statement clearly indicating which offices are subject to the election.
 - ii. A regional map including LAFCOs listed by region.
 - iii. The specific date by which all nominations must be received by the Election Committee. The deadline shall be no later than 30 days prior to the opening of the Annual Conference. Nominations received after the closing date shall be returned to the proposing LAFCO marked "Received too late for Election Committee action."
 - iv. The names of the Election Committee members and the name of their LAFCO, regional representation, email address and phone number. The name, email address and phone number of the Executive Director shall also be included.
 - v. The email address and physical address to send the nominations forms.
 - vi. A form for a Commission to use to nominate a candidate and a candidate resume form of no more than one page each to be completed for each nominee.
 - vii. The specific date by which all voting delegate names are due.

Key Timeframes for Nominations Process

Days*	
120	Nomination announcement
30	Nomination deadline
14	Committee report released

*Days prior to annual membership meeting

- viii. The specific date by which absentee ballots must be requested, the date CALAFCO will

distribute the absentee ballots, and the date by which they must be received by the Executive Director.

- b. A copy of these procedures shall be posted on the web site.

3. THE ELECTION COMMITTEE:

- a. The Election Committee and the Executive Director have the responsibility to monitor nominations and help assure that there are adequate nominations from each region for each seat up for election. No later than two weeks prior to the Annual Conference, the Election Committee Chair shall distribute to the members the Committee Report organized by regions, including copies of all nominations and resumes, which are received prior to the end of the nomination period.
- b. At the close of the nomination period, the Election Committee shall prepare regional ballots. Each region will receive a ballot specific to that region. Each region shall conduct a caucus at the Annual Conference for the purpose of electing their designated representatives. Caucus elections must be held prior to the annual membership meeting at the Conference. The assigned regional officers along with a member of the Election Committee shall tally ballots at each caucus and provide the Election Committee the names of the elected Board members and any open seats. In the event of a tie, the regional officer and Election Committee member shall immediately conduct a run-off ballot of the tied candidates.
- c. Make available sufficient copies of the Committee Report for each Voting Delegate by the beginning of the Annual Conference. Only the designated Voting Delegate, or the designated Alternate Voting Delegate shall be allowed to pick up the ballot packet at the Annual Conference.
- d. Make available blank copies of the nomination forms and resume forms to accommodate nominations from the floor at either the caucuses or the annual meeting (if an at-large election is required).
- e. Advise the Executive Director to provide "CANDIDATE" ribbons to all candidates attending the Annual Conference.
- f. Advise the Executive Director to provide "VOTING DELEGATE" ribbons to all voting delegates attending the Annual Conference.
- g. Post the candidate statements/resumes organized by region on a bulletin board or other easily accessible location near the registration desk.
- h. Regional elections shall be conducted as described in Section 4 below. The representative from the Election Committee shall serve as the Presiding Officer for the purpose of the caucus election and shall be assisted by a regional officer from a region other than their own, as assigned by the Executive Director
- i. Following the regional elections, in the event that there are open seats for any offices subject to the election, the Election Committee Chair shall notify the Chair of the Board of Directors that an at-large election will be required at the annual membership meeting and to provide a list of the number and category of seats requiring an at-large election.

4. ELECTRONIC BALLOT FOR LAFCO IN GOOD STANDING NOT ATTENDING ANNUAL MEETING

Limited to the elections of the Board of Directors

- a. Any LAFCO in good standing shall have the option to request an electronic ballot if there will be no representative attending the annual meeting.
- b. LAFCOs requesting an electronic ballot shall do so in writing to the Executive Director no later than 30 days prior to the annual meeting.
- c. The Executive Director shall distribute the electronic ballot no later than two weeks prior to the

annual meeting.

- d. LAFCO must return the ballot electronically to the Executive Director no later than three working days prior to the annual meeting.
- e. LAFCOs voting by electronic ballot may discard their electronic ballot if a representative is able to attend the annual meeting.
- f. LAFCOs voting under this provision may only vote for the candidates nominated by the Election Committee as noted on the ballot and may not vote in any run-off elections.

5. AT THE TIME FOR ELECTIONS DURING THE REGIONAL CAUCUSES OR ANNUAL MEMBERSHIP MEETING:

- a. The Presiding Officer shall:
 - i. Review the election procedure with the membership of their region.
 - ii. Present the Election Committee Report (previously distributed).
 - iii. Call for nominations from the floor by category for those seats subject to this election:
 - 1. For city member.
 - 2. For county member.
 - 3. For public member.
 - 4. For special district member.
- b. To make a nomination from the floor, a LAFCO, which is in good standing, shall identify itself and then name the category of vacancy and individual being nominated. The nominator may make a presentation not to exceed two minutes in support of the nomination.
- c. When there are no further nominations for a category, the Presiding Officer shall close the nominations for that category.
- d. The Presiding Officer shall conduct a "Candidates Forum". Each candidate shall be given time to make a brief statement for their candidacy. If a candidate is absent from the regional caucus, they may ask someone in their region to make a brief statement on their behalf.
- e. The Presiding Officer shall then conduct the election:
 - i. For categories where there are the same number of candidates as vacancies, the Presiding Officer shall:
 - 1. Name the nominees and offices for which they are nominated.
 - 2. Call for a voice vote on all nominees and thereafter declare those unopposed candidates duly elected.
 - ii. For categories where there are more candidates than vacancies, the Presiding Officer shall:
 - 1. Poll the LAFCOs in good standing by written ballot.
 - 2. Each LAFCO in good standing may cast its vote for as many nominees as there are vacancies to be filled. The vote shall be recorded on a tally sheet.

3. Any ballots submitted electronically for candidates included in the Election Committee Report shall be added to the tally.
 4. With assistance from the regional officer, tally the votes cast and announce the results.
- iii. Election to the Board shall occur as follows:
1. A majority of the total number of LAFCOs in a given region are required for a quorum. Returned absentee ballots shall count towards the total required for a quorum.
 2. The nominee receiving the majority of votes cast is elected.
 3. In the case of no majority, the two nominees receiving the two highest number of votes cast shall face each other in a run-off election. Electronic ballots are not included in the tally for any run-off election(s).
 4. In case of tie votes:
 - a. A second run-off election shall be held with the same two nominees.
 - b. If there remains a tie after the second run-off, the winner shall be determined by a draw of lots.

6. ADDITIONAL PROCEDURES

- a. For categories where there are more candidates than vacancies, names shall be listed on the ballot in the order the nomination was received and deemed complete.
- b. The Election Committee Chair shall announce and introduce all Board Members elected during the Regional Caucuses at the annual business meeting.
- c. In the event that Board seats remain unfilled after a Regional Caucus, an election will be held immediately at the annual business meeting to fill the position at-large. Nominations will be taken from the floor and the election process will follow the procedures described in Section 4 above. Any commissioner or alternate from a member LAFCO may be nominated for at-large seats.
- d. Seats elected at-large become subject to regional election at the expiration of the term. Only representatives from the region may be nominated for the seat.
- e. As required by the Bylaws, the members of the Board shall meet as soon as possible after election of new Board members for the purpose of electing officers, determining meeting places and times for the coming year, and conducting any other necessary business.

7. LOSS OF ELECTION IN HOME LAFCO

Board Members and candidates who lose elections in their home office shall notify the Executive Director within 15 days of the certification of the election.

8. FILLING BOARD VACANCIES

Vacancies on the Board of Directors may be filled by appointment by the Board for the balance of the unexpired term. Appointees must be from the same category as the vacancy, and should be from the same region.

CALAFCO's Four Regions



The counties in each of the four regions consist of the following:

Northern Region

Butte
Colusa
Del Norte
Glenn
Humboldt
Lake
Lassen
Mendocino
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Sutter
Tehama
Trinity
Yuba

CONTACT: Steve Lucas
Butte LAFCO
slucas@buttecounty.net

Southern Region

Orange
Los Angeles
Imperial
Riverside
San Bernardino
San Diego

CONTACT: Gary Thompson
Riverside LAFCO
gthompson@LAFCO.org

Coastal Region

Alameda
Contra Costa
Marin
Monterey
Napa
San Benito
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Solano
Sonoma
Ventura

CONTACT: Dawn Longoria
Napa LAFCO
dawn.longoria@napa.lafco.ca.gov

Central Region

Alpine
Amador
Calaveras
El Dorado
Fresno
Inyo
Kings
Madera
Mariposa
Merced
Mono
Placer
Sacramento
San Joaquin
Stanislaus
Tulare
Tuolumne
Yolo

CONTACT: José Henriquez
Sacramento LAFCO
henriquezj@saccounty.net

CURRENT BOARD MEMBERS AND TERMS

NAME	REGION	TYPE & TERM
Bill Connelly	Butte <i>Northern</i>	County (2025)
Kimberly Cox	San Bernardino Southern	District (2025)
Rodrigo Espinosa	Merced <i>Central</i>	County (2024)
Yxstian Gutierrez	Riverside Southern	County (2025)
Blake Inscore, Secretary	Del Norte <i>North</i>	City (2024)
Gay Jones, Treasurer	Sacramento <i>Central</i>	District (2024)
Kenneth Leary	Napa Coastal	Public (2025)
Gordon Mangel	Nevada <i>Northern</i>	District (2025)
Michael McGill	Contra Costa <i>Coastal</i>	District (2024)
Derek McGregor	Orange <i>Southern</i>	Public (2024)
Margie Mohler, Chair	Napa <i>Coastal</i>	City (2025)
Anita Paque	Calaveras <i>Central</i>	Public (2025)
Wendy Root Askew	Monterey <i>Coastal</i>	County (2024)
Josh Susman	Nevada <i>Northern</i>	Public (2024)
Tamara Wallace	El Dorado Central	City (2025)
Acquanetta Warren, Vice-Chair	San Bernardino <i>Southern</i>	City (2024)



(Must accompany the Candidate Résumé Form)

In accordance with the Nominations and Election Procedures of CALAFCO,

_____ LAFCO of the _____ Region

Nominates _____

for the (check one) ☐ City ☐ County ☐ Special District ☐ Public

Position on the CALAFCO Board of Directors to be filled by election at the next Annual Membership Meeting of the Association.

LAFCO Chair

Date _____

Nomination Packets must be received by **September 16, 2024** to be considered by the Election Committee.

Or, mail to:

CALAFCO Election Committee
CALAFCO
1451 River Park Drive, Ste. 185
Sacramento, CA 95815



Board of Directors
2024/2025 Candidate Résumé Form
(Complete both pages)

Nominated By: _____ LAFCO Date: _____

Region (please check one): ☐ Northern ☐ Coastal ☐ Central ☐ Southern

Category (please check one): ☐ City ☐ County ☐ Special District ☐ Public

Candidate Name _____

Address _____

Phone Office _____ Mobile _____

e-mail _____

Personal and Professional Background:

LAFCO Experience:

CALAFCO or State-level Experience:

Availability:

Other Related Activities and Comments:

NOTICE OF DEADLINE

Complete Nomination Packets must be received by **September 16, 2024** to be considered by the Election Committee.

Send completed nominations to
info@calafco.org

Or, mail to:

CALAFCO Election Committee
CALAFCO
1451 River Park Drive, Ste. 185
Sacramento, CA 95815

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: JULY 10, 2024 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #13 – LEGISLATIVE UPDATE REPORT

RECOMMENDATION:

Staff recommends that the Commission Note receipt of the report and file.

BACKGROUND:

The Legislature is now on summer recess and will reconvene on August 5, 2024. The following provides an update on the bills this Commission supported and any new items available for Commission review:

- **AB 3277 (Assembly Local Government Committee) – Local agency formation commission: districts: property tax.**

This bill was supposed to be CALAFCO's annual Omnibus Bill, but then it got introduced as a stand-alone bill.

AB 3277 intends to facilitate the ability for LAFCOs to process applications involving a special district formation in a more efficient and timely manner. The bill adds language to Section 56810 that would maintain the authority and requirement for LAFCOs to determine the property tax revenues to be exchanged for an affected agency for applications involving the formation of a special district seeking a share of the ad valorem tax, while excluding this requirement if the agency indicates it will not be seeking a share of said ad valorem tax.

The Commission adopted a support position for AB 3277 and forwarded its letter of support to the Legislature in April. A copy of AB 3277 is included as Attachment #1. AB 3277 was signed by the Governor on July 2, 2024.

- **SB 1209 (Cortese) – Local agency formation commission: indemnification.**

SB 1209 is a CALAFCO sponsored bill in response to a 2022 appellate decision out of

San Luis Obispo LAFCO that determined that LAFCOs have no statutory authority to impose an indemnity agreement as a condition of a LAFCO application. The bill amends State law that explicitly authorizes LAFCOs to require applicants, as a condition for processing an application, to indemnify LAFCOs against litigation.

The Commission also adopted a support position for SB 1209 and forwarded its letter of support to the Legislature in April. Since that time, the bill has been amended due to concerns raised by the California Building Industry Association (CBIA) to Senator Cortese's office. While it is not what was initially proposed, the revised version of the bill is still a path forward.

SB 1209 is now scheduled for third reading in the Assembly but no date has been scheduled due to the summer recess. A copy of the amended version of the bill is included as Attachment #2.

- **SCR 163 (Cortese) – Local agency formation commissions.**

Senate Concurrent Resolution (SCR) 163 is a legislative resolution that was introduced by Senator Cortese in June but failed at the Senate Local Government Committee. It is staff's understanding that the Senator will not be requesting reconsideration.

However, the resolution would have reaffirmed the sole authority of LAFCOs for the initiation, conduct, and completion of changes of organization and reorganization, and extraterritorial services for cities and districts. A copy of SCR 163 is included as Attachment #3.

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

Attachments:

1. [AB 3277](#)
2. [SB 1209](#)
3. [SCR 163](#)

Assembly Bill No. 3277

CHAPTER 70

An act to amend Section 56810 of the Government Code, relating to local government.

[Approved by Governor July 2, 2024. Filed with Secretary of State July 2, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3277, Committee on Local Government. Local agency formation commission: districts: property tax.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, establishes the sole and exclusive authority and procedures for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts. Existing law requires proceedings for the formation of a district to be conducted as authorized by the principal act of the proposed district, and authorizes the local agency formation commission in each county to serve as the conducting authority, as specified. Existing law requires a commission to determine the amount of property tax revenue to be exchanged by an affected local agency, as specified, if the proposal includes the formation of a district, as defined.

This bill would, instead, require a commission to determine the amount of property tax revenue to be exchanged by an affected local agency if the proposal includes the formation of a district and the applicant is seeking a share of the 1% ad valorem property taxes. By adding to the duties of a local agency formation commission, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Section 56810 of the Government Code is amended to read:

56810. (a) (1) If the proposal includes the incorporation of a city, as defined in Section 56043, the commission shall determine the amount of

property tax revenue to be exchanged by the affected local agency pursuant to this section and Section 56815.

(2) If the proposal includes the formation of a district, as defined in Section 2215 of the Revenue and Taxation Code, and if the applicant is seeking a share of the 1 percent ad valorem property taxes, the commission shall determine the amount of property tax to be exchanged by the affected local agency pursuant to this section.

(b) The commission shall notify the county auditor of the proposal and the services which the new jurisdiction proposes to assume within the area, and identify for the auditor the existing service providers within the area subject to the proposal.

(c) If the proposal would not transfer all of an affected agency's service responsibilities to the proposed city or district, the commission and the county auditor shall do all of the following:

(1) The county auditor shall determine the proportion that the amount of property tax revenue derived by each affected local agency pursuant to subdivision (b) of Section 93 of the Revenue and Taxation Code bears to the total amount of revenue from all sources, available for general purposes, received by each affected local agency in the prior fiscal year. For purposes of making this determination and the determination required by paragraph (3), "total amount of revenue from all sources available for general purposes" means the total amount of revenue which an affected local agency may use on a discretionary basis for any purpose and does not include any of the following:

(A) Revenue which, by statute, is required to be used for a specific purpose.

(B) Revenue from fees, charges, or assessments which are levied to specifically offset the cost of particular services and do not exceed the cost reasonably borne in providing these services.

(C) Revenue received from the federal government which is required to be used for a specific purpose.

(2) The commission shall determine, based on information submitted by each affected local agency, an amount equal to the total net cost to each affected local agency during the prior fiscal year of providing those services which the new jurisdiction will assume within the area subject to the proposal. For purposes of this paragraph, "total net cost" means the total direct and indirect costs that were funded by general purpose revenues of the affected local agency and excludes any portion of the total cost that was funded by any revenues of that agency that are specified in subparagraphs (A), (B), and (C) of paragraph (1).

(3) The commission shall multiply the amount determined pursuant to paragraph (2) for each affected local agency by the corresponding proportion determined pursuant to paragraph (1) to derive the amount of property tax revenue used to provide services by each affected local agency during the prior fiscal year within the area subject to the proposal. The county auditor shall adjust the amount described in the previous sentence by the annual tax increment according to the procedures set forth in Chapter 6

(commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code, to the fiscal year in which the new city or district receives its initial allocation of property taxes.

(4) For purposes of this subdivision, in any county in which, prior to the adoption of Article XIII A of the California Constitution, and continuing thereafter, a separate fund or funds were established consisting of revenues derived from the unincorporated area of the county and from which fund or funds services rendered in the unincorporated area have been paid, the amount of property tax revenues derived pursuant to paragraph (3), may, at the discretion of the commission, be transferred to the proposed city over a period not to exceed 12 fiscal years following its incorporation. In determining whether the transfer of the amount of property tax revenues determined pursuant to paragraph (3) shall occur entirely within the fiscal year immediately following the incorporation of the proposed city or shall be phased in over a period not to exceed 12 full fiscal years following the incorporation, the commission shall consider each of the following:

(A) The total amount of revenue from all sources available to the proposed city.

(B) The fiscal impact of the proposed transfer on the transferring agency.

(C) Any other relevant facts which interested parties to the exchange may present to the commission in written form.

The decision of the commission shall be supported by written findings setting forth the basis for its decision.

(d) If the proposal would transfer all of an affected agency's service responsibilities to the proposed city or district, the commission shall request the auditor to determine the property tax revenue generated for the affected service providers by tax rate area, or portion thereof, and transmit that information to the commission.

(e) The executive officer shall notify the auditor of the amount determined pursuant to paragraph (3) of subdivision (c) or subdivision (d), as the case may be, and, where applicable, the period of time within which and the procedure by which the transfer of property tax revenues will be effected pursuant to paragraph (4) of subdivision (c), at the time the executive officer records a certificate of completion pursuant to Section 57203 for any proposal described in subdivision (a), and the auditor shall transfer that amount to the new jurisdiction.

(f) The amendments to this section enacted during the 1985–86 Regular Session of the Legislature shall apply to any proposal described in subdivision (a) for which a certificate of completion is recorded with the county recorder on or after January 1, 1987.

(g) For purposes of this section, "prior fiscal year" means the most recent fiscal year for which data on actual direct and indirect costs and revenues needed to perform the calculations required by this section are available preceding the issuance of the certificate of filing.

(h) An action brought by a city or district to contest any determinations of the county auditor or the commission with regard to the amount of property tax revenue to be exchanged by the affected local agency pursuant

to this section shall be commenced within three years of the effective date of the city's incorporation or the district's formation. These actions may be brought by any city that incorporated or by any district that formed on or after January 1, 1986.

(i) This section applies to any city that incorporated or district that formed on or after January 1, 1986.

(j) The calculations and procedures specified in this section shall be made prior to and shall be incorporated into the calculations specified in Section 56815.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

AMENDED IN ASSEMBLY JUNE 11, 2024

SENATE BILL

No. 1209

Introduced by Senator Cortese

February 15, 2024

An act to add Section 56383.5 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 1209, as amended, Cortese. Local agency formation commission: indemnification.

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. The act continues in existence in each county a local agency formation commission (LAFCO) that consists of members appointed, as specified, and oversees those changes of organization and reorganization. The act authorizes a LAFCO to, among other things, review and approve with or without amendment, wholly, partially, or conditionally, or disapprove proposals for changes of organization or reorganization, as specified.

This bill would authorize a LAFCO to require, as a condition for, among other things, processing a change of organization or reorganization, that the applicant agrees to defend, indemnify, and hold harmless the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding, as specified, ~~arising from or relating to the action or determination by the LAFCO.~~ *to attack, set aside, void, or annul an approval by the LAFCO. The bill would require the LAFCO to promptly notify the applicant of any claim, action, or*

proceeding to attack, set aside, void, or annul an approval by the LAFCO and require the LAFCO to fully cooperate in the defense. The bill would specify that an applicant who is a party to the agreement is not responsible to defend, indemnify, or hold harmless the LAFCO if the LAFCO fails to notify the applicant or cooperate fully in the defense, and is not required to pay or perform any settlement relating to the agreement, unless the applicant approves the settlement. The bill would specify that nothing in its provisions are to be construed to prohibit the LAFCO from participating in the defense of any claim, action, or proceeding to attack, set aside, void, or annul an approval by the commission if specified conditions are met, including that the LAFCO bears its own attorney's fees and costs of the claim, action, or proceeding.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56383.5 is added to the Government
2 Code, to read:
3 56383.5. (a) The commission may require, as a condition for
4 processing a change of organization or reorganization, a sphere
5 amendment or a sphere update, or any other action or determination
6 requested from the commission, that the applicant agrees to defend,
7 indemnify, and hold harmless the commission, its agents, officers,
8 and employees from any claim, action, or proceeding against the
9 commission, its agents, officers, or employees ~~arising from or~~
10 ~~relating to the action or determination by the commission.~~ *to attack,*
11 *set aside, void, or annul an approval by the commission.*
12 (b) (1) *An agreement to defend, indemnify, and hold harmless*
13 *entered into pursuant to subdivision (a) shall require the*
14 *commission to promptly notify the applicant of any claim, action,*
15 *or proceeding to attack, set aside, void, or annul an approval by*
16 *the commission and shall require the commission to cooperate*
17 *fully in the defense.*
18 (2) *An applicant who is a party to an agreement to defend,*
19 *indemnify, and hold harmless entered into pursuant to subdivision*
20 *(a) shall not be responsible to defend, indemnify, or hold harmless*
21 *if the commission fails to notify the applicant or cooperate fully*
22 *in the defense pursuant to paragraph (1).*

1 (c) An applicant who is a party to an agreement to defend,
2 indemnify, and hold harmless entered into pursuant to subdivision
3 (a) shall not be required to pay or perform any settlement relating
4 to the agreement, unless the applicant approves the settlement.

5 (d) Nothing in this section shall be construed to prohibit the
6 commission from participating in the defense of any claim, action,
7 or proceeding to attack, set aside, void or annul an approval by
8 the commission if both of the following conditions are met:

9 (1) The commission bears its own attorney's fees and costs of
10 the claim, action, or proceeding.

11 (2) The commission defends the claim, action, or proceeding in
12 good faith.

AMENDED IN SENATE JUNE 26, 2024

Senate Concurrent Resolution

No. 163

**Introduced by Senators Cortese and Hurtado
(Coauthor: Senator Dodd)**

June 19, 2024

Senate Concurrent Resolution No. 163—Relative to local agency formation commissions.

LEGISLATIVE COUNSEL'S DIGEST

SCR 163, as amended, Cortese. Local agency formation commissions.

This measure would reaffirm the sole authority of local agency formation commissions for the initiation, conduct, and completion of changes of ~~organization and reorganization~~ *organization, reorganizations, and extraterritorial services* for cities and districts.

Fiscal committee: no.

- 1 WHEREAS, It is the policy of the state to encourage orderly
2 growth and development, which are essential to the social, fiscal,
3 and economic well-being of the state; and
4 WHEREAS, The Legislature recognizes that the logical
5 formation and determination of local agency boundaries is an
6 important factor in promoting orderly development and in
7 balancing that development with sometimes competing state
8 interests of discouraging urban sprawl, preserving open-space and
9 prime agricultural lands, and efficiently extending government
10 services; and
11 WHEREAS, This policy should be effected by the logical
12 formation and modification of the boundaries of local agencies,
13 with a preference granted to accommodating additional growth

1 within, or through the expansion of, the boundaries of those local
2 agencies, which can best accommodate and provide necessary
3 governmental services and housing for persons and families of all
4 incomes in the most efficient manner feasible; and

5 WHEREAS, The Cortese-Knox-Hertzberg Local Government
6 Reorganization Act of 2000 provides each local agency formation
7 commission (LAFCO) with the sole and exclusive authority and
8 procedure for the initiation, conduct, and completion of changes
9 of ~~organization and reorganization~~ *organization, reorganizations,*
10 *and extraterritorial services* for cities and districts; and

11 WHEREAS, Each county in the state has a ~~LAFCO established~~
12 ~~locally, LAFCO, which includes membership~~ *is composed of*
13 ~~elected city and county members and members,~~ at least one public
14 ~~member; member, and, in 32 counties, special district members;~~
15 and

16 WHEREAS, The LAFCO develops and determines the sphere
17 of influence of each city and each special district within the county
18 and enacts policies designed to promote the logical and orderly
19 development of areas within that sphere; and

20 ~~WHEREAS, The 50-billion-dollar a year agricultural industry~~
21 ~~is crucial to the economic well-being of the state, and LAFCOs~~
22 ~~are called upon to protect that industry by assuring the stability of~~
23 ~~fire protection districts, water districts, and public trusts; and~~

24 ~~WHEREAS, The LAFCO is responsible for the formation of~~
25 ~~county service areas, which enable essential services, including~~
26 ~~water and sanitation, to be provided in a given area; and~~

27 WHEREAS, The original LAFCO legislation was passed in
28 ~~1963, 1963 and updated in 1985 and 2000, and charged LAFCOs~~
29 ~~with preserving that industry; 2000; and~~

30 WHEREAS, The Legislature has continually reaffirmed
31 LAFCOs' authority to encourage orderly growth and the
32 preservation of prime farmland and open space; and

33 WHEREAS, LAFCOs have independently and successfully
34 enforced orderly growth for over one-half century; and

35 WHEREAS, The Cortese-Knox-Hertzberg Local Government
36 Reorganization Act of 2000 clearly endows LAFCOs with authority
37 over districts exercising "latent" powers concerning new or
38 different functions; and

39 WHEREAS, Corporate interests bypassing the normal planning
40 process by quietly purchasing tens of thousands of acres of

1 farmland with the intent of creating an urban area is contrary to
2 this precedent; now, therefore, be it

3 *Resolved by the Senate of the State of California, the Assembly*
4 *thereof concurring*, That the Legislature reaffirms the sole authority
5 of LAFCOs for the initiation, conduct, and completion of changes
6 of ~~organization and reorganization~~ *organization, reorganizations,*
7 *and extraterritorial services* for cities and districts; and be it further

8 *Resolved*, That the Secretary of the Senate transmit copies of
9 this resolution to the author for appropriate distribution.

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LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: JULY 10, 2024 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #14: EXECUTIVE OFFICER'S REPORT

1. Meeting Schedule Change

The Commission's August 17 Meeting is being canceled due to the upcoming move of the LAFCO Office during the month of August. None of the proposals or out-of-agency service contract authorization requests will be affected by such cancellation.

The next Commission meeting will be on September 18, 2024.

2. LAFCO Ad Hoc Administrative and Finance Committee Appointment

LAFCO staff has reached out to the Commission Chair on forming the three-member Ad Hoc Administrative Committee for this fiscal year.

As you may be aware, the Commission's practice on the Ad Hoc Administrative and Finance Committee composition is: the Chair, the Vice Chair, and a member from the regular membership to be selected by the Chair. Based on LAFCO staff's consultation with the Commission Chair, she has chosen Commissioner Phill Dupper to be the third member of the Committee. Therefore, the Ad Hoc Administrative and Finance Committee for Fiscal Year 2024-25 is comprised of the following members:

- Chair Warren
- Vice Chair Farrell
- Commissioner Dupper

3. Updates on Proposals Including Service Reviews/Special Studies, and Sphere of Influence Amendments/Updates

- LAFCO 3270 – Annexation to Cucamonga Valley Water District (Southeastern Sphere of Influence)

LAFCO staff issued the Notice of Filing for LAFCO 3270 on May 22, 2024.

4. CALAFCO News:

- **Annual CALAFCO Conference**

All Commissioners who have signaled their intent to attend the 2024 CALAFCO Annual Conference have all been registered. This year, the conference will be from Wednesday, October 16 to Friday, October 19 at the Tenaya Lodge near Yosemite. If anyone else wants to attend, please let staff know as soon as possible.

- **CALAFCO Achievement Awards**

CALAFCO issued a memo for the 2024 Achievement Awards nominations (see Attachment). Every year, CALAFCO recognizes outstanding achievements throughout the State at the CALAFCO Conference. The categories include:

- 1) Outstanding CALAFCO Volunteer,
- 2) Outstanding CALAFCO Associate Member,
- 3) Outstanding Commissioner,
- 4) Outstanding LAFCO Professional,
- 5) Mike Gotch Excellence in Public Service – *Protection of agricultural and open space lands and prevention of sprawl,*
- 6) Mike Gotch Excellence in Public Service – *Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services,*
- 7) Legislator of the Year, and
- 8) Lifetime Achievement Award.

It is requested that the Commission provide direction, if any, on items which they wish to nominate for these awards.

5. Southern Region LAFCOs:

The Southern Region LAFCOs will be holding its next meeting virtually on August 28, 2024 at 10:00 am. If anyone is interested in attending the meeting, please let staff know so that the meeting link and agenda, once available, can be forwarded.

Attachments:

1. CALAFCO Memo Regarding 2024 CALAFCO Achievement Award Nominations

Date: May 13, 2024

To: CALAFCO Members
LAFCO Commissioners and Staff
Other Interested Organizations

From: Blake Inscore, Committee Chair
CALAFCO Achievement Awards Committee
CALAFCO Board of Directors

Subject: 2024 CALAFCO Achievement Award Nominations
Period Open



Deadline: Saturday, August 31, 2024

On behalf of the Association, I am pleased to announce that the nomination period for the 2024 CALAFCO Achievement Awards is now open!

Each year, CALAFCO is honored to recognize outstanding achievements by dedicated and committed individuals and/or organizations from throughout the state at its Annual Conference Achievement Awards Ceremony. This year's ceremony will be held at the gorgeous Tenaya Lodge just outside Yosemite National Park on October 17th, during the awards banquet.

Recognizing individual and organizational achievements is an important responsibility. It provides visible recognition and support to those who have gone ***above and beyond*** over the last year to advance the principles and goals of the Cortese-Knox-Hertzberg Act. We invite you to use this opportunity to nominate the individuals and organizations you feel deserve this important recognition based on the criteria outlined.

Before submitting a nomination, ***please carefully review the nomination instructions and the criteria for each award as incomplete nominations, and nominations that do not adhere to the submission guidelines, will not be considered by the Committee.***

ACHIEVEMENT AWARDS NOMINATION PROCEDURE:

1. Most nominations may be made by an individual, a LAFCO, a CALAFCO Associate Member, or any other organization.
2. Each nomination must meet the specific award category criteria for consideration.
3. With the exception of the Lifetime Achievement Award, all nominated projects or acts of service must have occurred or been completed between August 18, 2023, and August 15, 2024.
4. Nominations ***must be submitted with a completed nomination form***. Please use a separate form for each

nomination. The form is your opportunity to highlight the most important points of your nomination.

5. Nomination *Executive Summaries* must be **limited to no more than 250 words in length**. Nomination *Summaries* must be **limited to no more than 1,000 words or 2 pages in length maximum**. You are encouraged to write them in a clear, concise and understandable manner. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount **will not be considered by the Committee**.
6. All supporting information (e.g. reports, news articles, etc.) must be submitted with the nomination. **Limit supporting documentation to no more than 3 pages**. If the Awards Committee members require additional information, you will be contacted with that request. Any nomination received that exceeds this amount **will not be considered by the Committee**.
7. All nomination materials must be submitted at one time and must be received by the deadline. No late nominations will be accepted – no exceptions. Electronic submittals are required and must be submitted as pdf document, using the fillable pdf document provided.
8. **Nominations and all supporting materials must be received no later than Saturday, August 31, 2024.**
Send nominations via e-mail to:

Stephen Lucas, CALAFCO Executive Officer
slucas@buttecounty.net

You may contact Steve Lucas, CALAFCO Executive Officer, at slucas@buttecounty.net or (530) 538-7784 with any questions.

Members of the 2024 CALAFCO Board of Directors Awards Committee

Board Members:

Blake Inscore, Committee Chair (Del Norte LAFCO, Northern Region)
Rodrigo Espinosa (Merced LAFCO, Central Region)
Kenneth Leary (Napa LAFCO, Coastal Region)
Anita Paque (Calaveras LAFCO, Central Region)

Regional Officer Members:

Steve Lucas, CALAFCO Executive Officer (Northern Region)
José Henriquez, CALAFCO Deputy Executive Officer (Central Region)
Dawn Longoria, CALAFCO Deputy Executive Officer (Coastal Region)
Gary Thompson, CALAFCO Deputy Executive Officer (Southern Region)

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dlongoria@napa.lafco.ca.gov
gthompson@lafco.org

Attachments:

- Achievement Award categories, nomination and selection criteria
- Listing of prior Achievement Award recipients
- 2024 Achievement Award nomination form (separate file)



CALAFCO ACHIEVEMENT AWARD CATEGORIES, NOMINATION & SELECTION CRITERIA

Every year, CALAFCO recognizes excellence within the LAFCO community, and among the full membership, by presenting *Achievement Awards* at the CALAFCO Annual Conference. Nominations are now open and being accepted until **Saturday, August 31, 2024** in the following categories:

OUTSTANDING CALAFCO VOLUNTEER

Award Summary:

Recognizes a CALAFCO volunteer who has provided exemplary service **during the year past**. Exemplary service is service which clearly goes above and beyond that which is asked or expected in the charge of their responsibilities. This category may include a CALAFCO Board member, regional officer, program volunteer, or any other requested volunteer.

Nomination criteria:

1. Nominee must have volunteered for the Association during the year in which the nomination is being made.
2. Nominee does not have to be a CALAFCO member.
3. Volunteer efforts must have demonstrated the individual going above and beyond what was asked/expected with positive and effective results.
4. Nominee can be a CALAFCO Board member, regional officer, program volunteer or any other volunteer.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee, regardless of their position or role as a volunteer. Only the contributions and outcomes shall be considered, not the individual's position.
3. The extent of the volunteerism and the overall impact to the statewide Association and membership based on that volunteerism shall be considered.
4. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

OUTSTANDING CALAFCO ASSOCIATE MEMBER

Award Summary:

Presented to an active CALAFCO Associate Member (person or agency) that has advanced or promoted the cause of LAFCOs by consistently producing distinguished work that upholds the mission and goals of LAFCOs and has helped elevate the role and mission of LAFCOs through its work. Recipient consistently demonstrates a collaborative approach to LAFCO stakeholder engagement.

Further, the individual or firm has a proven commitment to the Association membership through volunteering time and resources to further the cause of LAFCO and CALAFCO.

Nomination criteria:

1. Nominee must be a CALAFCO Associate Member in good standing with the Association.
2. Nominee shall be an Associate Member for the full year in which the nomination is being made.
3. The Associate Member nominated shall have been an Associate Member in good standing with the Association for at least one year prior to the year for which the nomination is being made.
4. As an Associate Member, the nominee may be an individual, firm or agency.
5. The nominee may be an individual within an Associate Member firm or agency.
6. Nominee shall demonstrate that through their work as an Associate Member, the role and mission of LAFCO has been upheld and furthered.
7. Nominee must have proven cooperative and collaborative approaches to situations and solutions that affect LAFCOs statewide as an Associate Member.
8. Proven commitment to the Association's membership as an Associate Member by volunteering resources to the Association during the year in which the nomination is made.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. The level of volunteering time and resources to the Association shall be a consideration with all other nomination criteria.

OUTSTANDING COMMISSIONER

Award Summary:

Presented to an individual Commissioner for extraordinary service to his or her Commission. Extraordinary service is considered actions above and beyond those required in the course of fulfilling their statutory responsibilities as a Commissioner. It requires consistently demonstrating independent judgment on behalf of the interest of the entire county, developing innovative and collaborative solutions to local issues, and leading the commission and community by example.

Nomination criteria:

1. Nominee must be a Commissioner of a LAFCO in good standing with the Association.
2. Nominee shall be a Commissioner for the full year in which the nomination is being made.
3. Proven demonstration of consistently exercising independent judgment for the greater good of the County is required.
4. Proven leadership of the commission and the community through collaborative, innovative and creative solutions to local issues is required.
5. Proven effective results and outcomes shall be demonstrated in the nomination.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Representation type (city-county-district-public) shall not be a consideration nor shall be the size or geographic area of the LAFCO on which the Commissioner serves.

4. The overall impact of the leadership of the Commissioner shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

OUTSTANDING LAFCO PROFESSIONAL

Award Summary:

Recognizes an Executive Officer, Staff Analyst, Clerk, Legal Counsel or any other LAFCO staff person for exemplary service during the past year. Exemplary service is considered actions which clearly go above and beyond that which is asked, expected, or required in the charge of their LAFCO responsibilities.

Nomination criteria:

1. Nominee must be a staff person of a LAFCO in good standing with the Association.
2. Nominee shall be a staff person for the full year in which the nomination is being made.
3. As a staff person, the nominee can be either an employee of the LAFCO or a contractor providing employee-type services to the LAFCO.
4. Efforts must be demonstrated that the individual has consistently gone above and beyond or outside the scope of their role or job responsibilities, with proven results that otherwise would not have occurred.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to all nominees that meet the nominating criteria.
3. Position within a LAFCO shall not be a consideration, nor shall be the size or geographic area of the LAFCO.
4. The overall impact of the LAFCO professional to their LAFCO and the greater community shall be considered.
5. Preference may be given to individuals who have not previously received this award and meet all the required criteria.

LIFETIME ACHIEVEMENT AWARD

Award Summary:

Recognizes any individual who has made extraordinary contributions to the statewide LAFCO community in terms of longevity of service, exemplary advocacy of LAFCO-related legislation, proven leadership in approaching a particular issue or issues, and demonstrated support in developing and implementing innovative and creative ways to support the goals of LAFCOs throughout California. At a minimum, the individual should be involved in the LAFCO community for at least twenty (20) years.

Nomination criteria:

1. Nomination must be received from a member LAFCO or Associate Member in good standing with the Association.
2. A minimum of 20 years direct involvement with the LAFCO community is required for

consideration.

3. During that time, nominee shall have a proven positive impact and effect on the support and evolution of LAFCOs statewide.
4. This includes advocacy of LAFCOs statewide through legislation, developing creative and innovative solutions to LAFCO issues that serve beyond their LAFCO to the greater good, and collaborative stakeholder approaches to issues and opportunities to further the cause and mission of LAFCO.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Preference may be given to nominees who also have proven experience volunteering for CALAFCO through a regional officer role, serving on committees, serving on the CALAFCO Board, or any other method of volunteering for the Association that serves to promote and support the mission and work of LAFCOs throughout the state.

LEGISLATOR OF THE YEAR

Award Summary:

Presented to a member of the California State Senate or Assembly in recognition of leadership and valued contributions in support of LAFCO goals that have a statewide effect. The recipient shall have demonstrated clear support and effort to further the cause and ability of LAFCOs to fulfill their statutory mission. Selected by CALAFCO Board by super majority.

Nomination criteria:

1. Nominee shall be a California State legislator during the full year in which the nomination was made.
2. Nominee must have demonstrated extraordinary leadership in the Legislature on behalf of LAFCOs statewide, with efforts resulting in a positive impact for all LAFCOs.

Selection criteria:

1. Must meet all nomination criteria requirements for consideration.
2. All Legislator of the Year nominations shall be forwarded by the Achievement Awards Committee to the Board for consideration.
3. Selection of the recipient of this award shall be done with a super majority approval of the Board (present at the time of the vote).

MIKE GOTCH EXCELLENCE IN PUBLIC SERVICE AWARD

Award Summary:

Awarded to an individual, group or agency for actions that rise above expected or common functions or actions that are LAFCO-related; *and* reduce or eliminate common institutional roadblocks; *and* result in a truly extraordinary public service outcome. Individuals, a LAFCO, or collaborative effort among multiple LAFCOs or a LAFCO with other entities are eligible. Other entities shall be decision-making bodies at the local, regional or state level. This award has two distinct categories, each focusing on a specific area:

1. *Protection of agricultural and open space lands and prevention of sprawl*

2. *Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services*

Award categories:

- **Protection of agricultural and open space lands and prevention of sprawl**

Includes the development and implementation of programs or other actions associated with agriculture, water, flood control, parks and recreation, habitat conservation plans and public lands. Demonstrates the recipient has identified, encouraged and ensured the preservation of agricultural and open space lands. Proven actions that encourage cities, counties and special districts to direct development away from all types of agricultural lands, including prime agricultural lands and open space lands. Includes demonstrated consideration given in decisions to Regional Transportation Plans, including sustainable communities strategies and other growth plans to ensure reliable services, orderly growth, and sustainable communities.

- **Innovation, collaboration, outreach and effective support of the evolution and viability of local agencies, promotion of efficient and effective delivery of municipal services**

Includes the development and implementation of innovative support and systems within internal LAFCO operations in the support of local agencies. Actions produce systemic and sustainable improvements and innovation of local government. Proven facilitation of constructive discussions with local and regional agencies and proactive outreach to local and regional agencies as well as local stakeholders and communities to identify issues and solutions and demonstrated action as a coordinating agency in offering and supporting unique local solutions to meet local challenges. Successful demonstration of development of capacities and abilities of local agencies. Provide tools and resources to local agencies to address aging infrastructure, fiscal challenges and the maintenance of existing services. Demonstrated action to streamline the provision of local services with proven results that services are consistent or have been improved as a result, with little to no increased cost to the consumer. Focused efforts and proven results to ensure delivery of services to all communities, especially disadvantaged communities.

Nomination criteria:

1. Clear demonstration that the actions rise above expected or common functions or actions.
2. The actions reduced or eliminated common institutional roadblocks.
3. The actions clearly proven a truly extraordinary public service outcome that is systemic and sustainable.
4. Identified unique circumstances and factors leading to the solution/project.
5. The innovative steps taken by the LAFCO or entity/entities/individual to solve the problem, overcome the situation, or to take action.
6. Clear description of the results/outcomes of the work and the short- and long-term effects.
7. How this work can be promoted as a LAFCO best practice.
8. Clear demonstration how this nomination meets all criteria.

Selection Criteria:

1. Must meet all nomination criteria requirements for consideration.
2. Equal consideration shall be given to each nominee within each category. The size or geographic area of the LAFCO within a given category shall not be a consideration.
3. The overall impact of the actions and outcomes to the greater community being served shall be considered.
4. The level of impact based on the required nomination criteria shall be considered.

QUALIFYING PERIOD: *With the exception of the Lifetime Achievement Award, all nominated projects or acts of service must have occurred or been completed between August 18, 2023, and August 15, 2024.*



PREVIOUS CALAFCO ACHIEVEMENT AWARD RECIPIENTS

2023

Lifetime Achievement Award:	Dawn Mittleman Longoria , Napa LAFCO
Outstanding Commissioner	Richard Bettencourt , San Benito LAFCO
Outstanding LAFCO Professional	Two-Way Tie: José C. Henriquez , Sacramento LAFCO Andrea Ozdy , Ventura LAFCO
Outstanding Associate Member	Colantuono, Highsmith & Whatley
Outstanding Volunteer	Anita Paque , Calaveras LAFCO
Mike Gotch Award - Agriculture Innovation	Napa LAFCO Tom Cooley , Plumas LAFCO

2022

Outstanding Commissioner	Don Saylor , Yolo LAFCO
Outstanding LAFCO Professional	Carolyn Emery , Orange LAFCO
Mike Gotch Award - Innovation, Collaboration, And Outreach	Two-Way Tie: Cristine Crawford , Yolo LAFCO, and Erica Sanchez , El Dorado LAFCO & Amanda Ross , South Fork Consulting, LLC

2020 – 2021 (2 year period due to the pandemic)

Outstanding Associate Member	Planwest Partners
Outstanding Commissioner	Olin Woods , Yolo LAFCO
Outstanding LAFCO Professional	Crystal Craig , Riverside LAFCO
Mike Gotch Protection of Ag and Open Space Lands & Prevention of Urban Sprawl	Napa LAFCO
Mike Gotch Courage & Innovation in Local Government Leadership Award	Yolo LAFCO
Lifetime Achievement Award	Jerry Glabach , Los Angeles LAFCO

2019

Distinguished Service Award	Charley Wilson , Orange LAFCO
Most Effective Commission	Contra Costa LAFCO
Outstanding Commissioner	Jim DeMartini , Stanislaus LAFCO
Outstanding LAFCO Professional	David Church , San Luis Obispo LAFCO
Project of the Year	Orange LAFCO , for <i>San Juan Capistrano Utilities MSR</i>
Government Leadership Award	CA State Water Resources Control Board , Los Angeles County and Los Angeles LAFCO , for <i>Sativa Water District</i>
Mike Gotch Courage & Innovation in Local Government Leadership Award	Butte LAFCO
Legislator of the Year	Assembly Member Mike Gipson
Lifetime Achievement Award	John Benoit , various LAFCOs, Jurg Heuberger , Imperial LAFCO

2018

Distinguished Service Award	John Withers, Orange LAFCO
Most Effective Commission	Santa Clara LAFCO
Outstanding Commissioner	Margie Mohler, Napa LAFCO
Outstanding LAFCO Professional	George Williamson, Del Norte LAFCO
Outstanding LAFCO Clerk	Elizabeth Valdez, Riverside LAFCO
Outstanding CALAFCO Associate Member	Best Best & Krieger
Project of the Year	Lake LAFCO, water services consolidation
Government Leadership Award	City of Porterville, County of Tulare, Dept. of Water Resources, State Water Resources Control Board, Governor's Office of Emergency Services, Self Help Enterprises, Community Water Center for East Porterville water supply project
Mike Gotch Courage & Innovation in Local Government Leadership Award	Mike Ott, San Diego LAFCO
Legislator of the Year	Assembly Member Anna Caballero
Lifetime Achievement Award	Pat McCormick, Santa Cruz LAFCO, George Spiliotis, Riverside LAFCO

2017

Most Effective Commission	Los Angeles LAFCO
Outstanding CALAFCO Member	Sblend Sblendorio, Alameda LAFCO
Outstanding Commissioner	John Marchand, Alameda LAFCO
Outstanding LAFCO Professional	Paul Novak, Los Angeles LAFCO
Outstanding LAFCO Clerk	Richelle Beltran, Ventura LAFCO
Outstanding CALAFCO Associate Member	Policy Consulting Associates
Project of the Year	County Services MSR, Butte LAFCO, and Santa Rosa Annexation, Sonoma LAFCO
Government Leadership Award	San Luis Obispo County Public Works Dept.
Lifetime Achievement Award	Kathy Rollings McDonald (San Bernardino)

2016

Distinguished Service Award	Peter Brundage, Sacramento LAFCO
Most Effective Commission	San Luis Obispo LAFCO
Outstanding CALAFCO Member	John Leopold, Santa Cruz LAFCO
Outstanding Commissioner	Don Tatzin, Contra Costa LAFCO
Outstanding LAFCO Professional	Steve Lucas, Butte LAFCO
Outstanding LAFCO Clerk	Cheryl Carter-Benjamin, Orange LAFCO
Project of the Year	Countywide Water Study, (Marin LAFCO)
Government Leadership Award	Southern Region of CALAFCO
Lifetime Achievement Award	Bob Braitman (retired Executive Officer)

2015

Mike Gotch Courage & Innovation in
Local Government Leadership Award

Distinguished Service Award

Most Effective Commission

Outstanding CALAFCO Member

Outstanding Commissioner

Outstanding LAFCO Professional

Outstanding LAFCO Clerk

Project of the Year

Government Leadership Award

CALAFCO Associate Member of the Year

Legislators of the Year Award

Lifetime Achievement Award

Yuba County Water Agency

Mary Jane Griego, Yuba LAFCO

Butte LAFCO

Marjorie Blom, formerly of Stanislaus LAFCO

Matthew Beekman, formerly of Stanislaus LAFCO

Sam Martinez, San Bernardino LAFCO

Terri Tuck, Yolo LAFCO

Formation of the Ventura County Waterworks District No. 38 (Ventura LAFCO) and **2015 San Diego County Health Care Services five-year sphere of influence and service review report** (San Diego LAFCO)

The Cities of Dublin, Pleasanton, Livermore and San Ramon, the Dublin San Ramon Services District and the Zone 7 Water Agency

Michael Colantuono of Colantuono, Highsmith & Whatley

Assembly member Chad Mayes

Jim Chapman (Lassen LAFCO) and **Chris Tooker** (formerly of Sacramento LAFCO)

2014

Mike Gotch Courage & Innovation in
Local Government Leadership Award

Distinguished Service Award

Most Effective Commission

Outstanding CALAFCO Member

Outstanding Commissioner

Outstanding LAFCO Professional

Outstanding LAFCO Clerk

Project of the Year

Government Leadership Award

Legislators of the Year Award

Lifetime Achievement Award

David Church, San Luis Obispo LAFCO

Kate McKenna, Monterey LAFCO

Santa Clara LAFCO

Stephen Lucas, Butte LAFCO

Paul Norsell, Nevada LAFCO

Kate McKenna, Monterey LAFCO

Paige Hensley, Yuba LAFCO

LAFCO Procedures Guide: 50th Year Special Edition, San Diego LAFCO

Orange County Water District, City of Anaheim, Irvine Ranch Water District, and Yorba Linda Water District

Assembly member Katcho Achadjian

Susan Wilson, Orange LAFCO

2013

Mike Gotch Courage & Innovation in
Local Government Leadership Award

Distinguished Service Award

Most Effective Commission

Outstanding CALAFCO Member

Outstanding Commissioner

Outstanding LAFCO Professional

LAFCO Outstanding LAFCO Clerk

Project of the Year

Government Leadership Award

Simón Salinas, Commissioner, Monterey LAFCO

Roseanne Chamberlain, Amador LAFCO

Stanislaus LAFCO

Harry Ehrlich, San Diego LAFCO

Jerry Gladbach, Los Angeles LAFCO

Lou Ann Texeira, Contra Costa

Kate Sibley, Contra Costa LAFCO

Plan for Agricultural Preservation, Stanislaus LAFCO

Orange County LAFCO Community Islands Taskforce, Orange LAFCO

Legislators of the Year Award
Lifetime Achievement Award

Senators Bill Emmerson and Richard Roth

H. Peter Faye, Yolo LAFCO; **Henry Pellissier**, Los Angeles LAFCO; **Carl Leverenz**, Butte LAFCo; **Susan Vicklund-Wilson**, Santa Clara LAFCO.

2012

Mike Gotch Courage & Innovation in
Local Government Leadership Award

Bill Chiat, CALAFCO Executive Director

Distinguished Service Award

Marty McClelland, Commissioner, Humboldt LAFCO

Most Effective Commission

Sonoma LAFCO

Outstanding CALAFCO Member

Stephen A. Souza, Commissioner, Yolo LAFCO and
CALAFCO Board of Directors

Outstanding Commissioner

Sherwood Darington, Monterey

LAFCO Outstanding LAFCO Professional

Carole Cooper, Sonoma LAFCO

Outstanding LAFCO Clerk

Gwenna MacDonald, Lassen LAFCO

Project of the Year

Countywide Service Review & SOI Update, Santa Clara
LAFCO

Government Leadership Award

North Orange County Coalition of Cities, Orange LAFCO

Lifetime Achievement Award

P. Scott Browne, Legal Counsel LAFCOs

2011

Mike Gotch Courage & Innovation in
Local Government Leadership Award

Martin Tuttle, Deputy Director for Planning, Caltrans

Mike McKeever, Executive Director, SACOG

Distinguished Service Award

Carl Leverenz, Commissioner and Chair, Butte

LAFCo Most Effective Commission

San Bernardino LAFCO

Outstanding CALAFCO Member

Keene Simonds, Executive Officer, Napa LAFCO

Outstanding Commissioner

Louis R. Calcagno, Monterey LAFCO

Outstanding LAFCO Professional

June Savala, Deputy Executive Officer, Los Angeles LAFCO

Outstanding LAFCO Clerk

Debbie Shubert, Ventura LAFCO

Project of the Year

Cortese-Knox-Hertzberg Definitions Revision

Bob Braitman, Scott Browne, Clark Alsop, Carole Cooper,
and George Spiliotis

Government Leadership Award

Contra Costa Sanitary District

**Elsinore Water District and Elsinore Valley Municipal Water
District**

2010

Mike Gotch Courage & Innovation in
Local Government Leadership Award

Helen Thompson, Commissioner, Yolo LAFCO

Distinguished Service Award

Kathleen Rollings-McDonald, Executive Officer, San
Bernardino LAFCO

Bob Braitman, Executive Officer, Santa Barbara LAFCO

Most Effective Commission

Tulare LAFCO

Outstanding CALAFCO Member

Roger Anderson, Ph.D., CALAFCO Chair, Santa Cruz LAFCO

Outstanding Commissioner

George Lange, Ventura LAFCO

Outstanding LAFCO Professional

Harry Ehrlich, Government Consultant, San Diego LAFCO

Outstanding LAFCO Clerk

Candie Fleming, Fresno LAFCO

Project of the Year

Butte LAFCo

Sewer Commission - Oroville Region Municipal Service
Review

Government Leadership Award

Nipomo Community Services District and the County of San Luis Obispo

Special Achievement

Chris Tooker, Sacramento LAFCO and CALAFCO Board of Directors

2009

Mike Gotch Courage & Innovation in Local Government Leadership Award

Paul Hood, Executive Officer, San Luis Obispo LAFCO

Distinguished Service Award

William Zumwalt, Executive Officer, Kings LAFCO

Most Effective Commission

Napa LAFCO

Outstanding CALAFCO Member

Susan Vicklund Wilson, CALAFCO Vice Chair

Jerry Gladbach, CALAFCO Treasurer

Outstanding Commissioner

Larry M. Fortune, Fresno LAFCO

Outstanding LAFCO Professional

Pat McCormick, Santa Cruz LAFCO Executive Officer

Outstanding LAFCO Clerk

Emmanuel Abello, Santa Clara LAFCO

Project of the Year

Orange LAFCO Boundary Report

Government Leadership Award

Cities of Amador City, Jackson, Lone, Plymouth & Sutter Creek; Amador County; Amador Water Agency; Pine Grove CSD – Countywide MSR Project

Legislator of the Year Award

Assembly Member Jim Silva

2008

Distinguished Service Award

Peter M. Detwiler, Senate Local Government Committee Chief Consultant

Most Effective Commission

Yuba LAFCO

Outstanding Commissioner

Dennis Hansberger, San Bernardino LAFCO

Outstanding LAFCO Professional

Michael Ott, San Diego LAFCO Executive Officer

Martha Poyatos, San Mateo Executive Officer

Outstanding LAFCO Clerk

Wilda Turner, Los Angeles LAFCO

Project of the Year

Kings LAFCO

City and Community District MSR and SOI Update

Government Leadership Award

San Bernardino Board of Supervisors

Legislator of the Year Award

Assembly Member Anna M. Caballero

2007

Outstanding CALAFCO Member

Kathy Long, Board Chair, Ventura LAFCO

Distinguished Service Award

William D. Smith, San Diego Legal

Counsel Most Effective Commission

Santa Clara LAFCO

Outstanding Commissioner

Gayle Uilkema, Contra Costa LAFCO

Outstanding LAFCO Professional

Joyce Crosthwaite, Orange LAFCO Executive Officer

Outstanding LAFCO Clerk

Debby Chamberlin, San Bernardino LAFCO

Project of the Year

San Bernardino LAFCO and City of Fontana

Islands Annexation Program

Government Leadership Award

City of Fontana - Islands Annexation Program

Lifetime Achievement

John T. "Jack" Knox

2006

Outstanding CALAFCO Member

Everett Millais, CALAFCO Executive Officer and Executive Officer of Ventura LAFCO

Distinguished Service Award	Clark Alsop , CALAFCO Legal Counsel
Most Effective Commission Award	Alameda LAFCO
Outstanding Commissioner Award	Ted Grandsen , Ventura LAFCO Chris Tooker , Sacramento LAFCO
Outstanding LAFCO Professional Award	Larry Calemene , Los Angeles LAFCO Executive Officer
Outstanding LAFCO Clerk Award	Janice Bryson , San Diego LAFCO Marilyn Flemmer , Sacramento LAFCO
Project of the Year Award	Sacramento Municipal Utility District Sphere of Influence Amendment and Annexation; Sacramento LAFCO
Outstanding Government Leadership Award	Cities of Porterville, Tulare, and Visalia and Tulare LAFCO Island Annexation Program
Legislator of the Year Award	Senator Christine Kehoe

2005

Outstanding CALAFCO Member	Peter Herzog , CALAFCO Board, Orange LAFCO
Distinguished Service Award	Elizabeth Castro Kemper , Yolo LAFCO
Most Effective Commission Award	Ventura LAFCO
Outstanding Commissioner Award	Art Aseltine , Yuba LAFCO Henri Pellissier , Los Angeles LAFCO
Outstanding LAFCO Professional Award	Bruce Baracco , San Joaquin LAFCO
Outstanding LAFCO Clerk Award	Danielle Ball , Orange LAFCO
Project of the Year Award	San Diego LAFCO MSR of Fire Protection and Emergency Medical Services
Outstanding Government Leadership Award	Sacramento Area Council of Governments (SACOG)

2004

Outstanding CALAFCO Member	Scott Harvey , CALAFCO Executive Director
Distinguished Service Award	Julie Howard , Shasta LAFCO
Most Effective Commission Award	San Diego LAFCO
Outstanding Commissioner Award	Edith Johnsen , Monterey LAFCO
Outstanding LAFCO Professional Award	David Kindig , Santa Cruz LAFCO
Project of the Year Award	San Luis Obispo LAFCO Nipomo CSD SOI Update, MSR, and EIR

2003

Outstanding CALAFCO Member	Michael P. Ryan , CALAFCO Board Member
Distinguished Service Award	Henri F. Pellissier , Los Angeles LAFCO
Most Effective Commission Award	San Luis Obispo LAFCO
Outstanding Commissioner Award	Bob Salazar , El Dorado LAFCO
Outstanding LAFCO Professional Award	Shirley Anderson , San Diego LAFCO
Outstanding LAFCO Clerk Award	Lori Fleck , Siskiyou LAFCO
Project of the Year Award	Napa LAFCO Comprehensive Water Service Study
Special Achievement Award	James M. Roddy

2002

Outstanding CALAFCO Member	Ken Lee , CALAFCO Legislative Committee Chair
Most Effective Commission Award	San Diego LAFCO Outstanding
Commissioner Award	Ed Snively , Imperial LAFCO
Outstanding LAFCO Professional Award	Paul Hood , San Luis Obispo LAFCO
Outstanding LAFCO Clerk Award	Danielle Ball , Orange LAFCO

Project of the Year Award
Outstanding Government Leadership Award

San Luis Obispo LAFCO
Napa LAFCo, Napa County Farm Bureau, Napa Valley Vintners Association, Napa Valley Housing Authority, Napa County Agricultural Commissioner's Office, Napa County Counsel Office, and Assembly Member Patricia Wiggins

2001

Outstanding CALAFCO Member	SR Jones, CALAFCO Executive Officer
Distinguished Service Award	David Martin, Tax Area Services Section, State Board of Equalization
Outstanding Commissioner Award	H. Peter Faye, Yolo LAFCO
Outstanding LAFCO Professional Award	Ingrid Hansen, San Diego LAFCO
Project of the Year Award	Santa Barbara LAFCO
Outstanding Government Leadership Award	Alameda County Board of Supervisors, Livermore City Council, Pleasanton City Council
Legislator of the Year Award	Senator Jack O'Connell

2000

Outstanding CALAFCO Member	Ron Wootton, CALAFCO Board Chair
Distinguished Service Award	Ben Williams, Commission on Local Governance for the 21st Century
Most Effective Commission Award	Yolo LAFCO
Outstanding Commissioner	Rich Gordon, San Mateo LAFCO
Outstanding LAFCO Professional Award	Annamaria Perrella, Contra Costa LAFCO
Outstanding LAFCO Clerk Award	Susan Stahmann, El Dorado LAFCO
Project of the Year Award	San Diego LAFCO
Legislator of the Year Award	Robert Hertzberg, Assembly Member

1999

Distinguished Service Award	Marilyn Ann Flemmer-Rodgers, Sacramento LAFCO
Most Effective Commission Award	Orange LAFCO
Outstanding Executive Officer Award	Don Graff, Alameda LAFCO
Outstanding LAFCO Clerk Award	Dory Adams, Marin LAFCO
Most Creative Solution to a Multi-Jurisdictional Problem	San Diego LAFCO
Outstanding Government Leadership Award	Assembly Member John Longville
Legislator of the Year Award	Assembly Member Robert Hertzberg

1998

Outstanding CALAFCO Member	Dana Smith, Orange LAFCO
Distinguished Service Award	Marvin Panter, Fresno LAFCO
Most Effective Commission Award	San Diego LAFCO
Outstanding Executive Officer Award	George Spiliotis, Riverside LAFCO
Outstanding Staff Analysis	Joe Convery, San Diego LAFCO Joyce Crosthwaite, Orange LAFCO
Outstanding Government Leadership Award	Santa Clara County Planning Department

1997

Most Effective Commission Award	Orange LAFCO
Outstanding Executive Officer Award	George Finney, Tulare LAFCO



Outstanding Staff Analysis

Outstanding Government Leadership Award

Most Creative Solution to a Multi-Jurisdictional Problem

Legislator of the Year Award

Annamaria Perrella, Contra Costa LAFCO

South County Issues Discussion Group

Alameda LAFCO and Contra Costa LAFCO

Assembly Member Tom Torlakson

