

AGENDA

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

REGULAR MEETING OF SEPTEMBER 18, 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 July 17, 2024](#)
3. [Approval of Executive Officer's Expense Report](#)
4. [Ratify Payments as Reconciled and Note Cash Receipts for the Months of June and July 2024](#)
5. Consent Items Deferred for Discussion

PUBLIC HEARING ITEMS:

6. [Consideration of: \(1\) Review of Mitigated Negative Declaration for a Zone Change from Rural Living 5-Acre Minimum \(RL-5\) to General Commercial \(CG\) Zoning District, Tentative Parcel Map to divide the lot into two parcels, and Conditional Use Permit to Allow for the Construction and Operation of a Commercial Center consisting of a Convenience Store, Gas Station, Carwash and Restaurant on approximately 3.97 acres, as CEQA Responsible Agency for LAFCO SC#529; and \(2\) LAFCO SC#529 – City of Rialto Extraterritorial Wastewater Service Agreement \(APN 0250-101-76 -- Shorecliff Capital, LLC\)](#)
7. [Consideration of: 1\) Review of Addendum to the City of Chino's General Plan Environmental Impact Report \(SCH# 2008091064\) Prepared by the City of Chino](#)

for its Review of Annexation/Rezoning (PL23-0014) and General Plan Amendment (PL23-0041) for the Ramona Francis Annexation (Approximately 144.8 acres) as CEQA Responsible Agency for LAFCO 3269; and 2) LAFCO 3269 – Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 and County Service Area SL-1 (Ramona Francis Annexation)

INFORMATION ITEMS:

8. Update on Barstow Cemetery District
9. Update on Daggett Community Services District Water System
10. Legislative Update Report
11. Executive Officer's Report
12. 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.

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

REGULAR MEETING

9:00 A.M.

JULY 17, 2024

PRESENT:

COMMISSIONERS:

Regular Member

Jesse Armendarez
Jim Bagley
Kimberly Cox
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
Angela Schell, Commission Clerk
Tom Dodson, Environmental Consultant

ABSENT:

Regular Member

Joe Baca
Curt Hagman
Phill Dupper

Alternate Member

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –
9:03 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

ANNOUNCEMENT OF CONTRIBUTIONS

1. Comments from the Public

There are none.

CONSENT ITEMS:

2. Approval of Minutes for Regular Meeting of May 15, 2024

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.

4. Ratify Payments as Reconciled for the Months April and May 2024

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

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 Destruction Log along with a copy of the Commission's minute action authority destruction.

6. Review and Update the Catalog of Enterprise Systems Per Government Code Section 6270.5

Recommendation: 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.

7. Consent Items Deferred for Discussion (None)

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

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

PUBLIC HEARING ITEMS:

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

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

1. With respect to environmental review:

- a) Certify the Commission, its staff, and its Environmental 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 (PL20-0003);
 - b) Determine that the City's environmental assessment and Mitigated Negative Declaration are adequate for the Commission's use as 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 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.

*Public Comment: Nora Garcia, Councilmember, 3rd District, City of Pomona
Vinny Tam, Supervising Planner, City of Pomona
Damiana Aldana, Clean and Green Pomona Board Member
David Sandrake, Resident, City of Pomona
Maria Gonzalez, Vice President, Clean & Green Pomona (Translator Louis Gonzalez)
Lisa Engdahl, President, Clean & Green Pomona Board Member
Louis Gonzalez, Leader & Board Member, Clean & Green Pomona
Warren Morelion, City of Chino
Thomas Sherese, Labors International Union of North America*

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

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

DISCUSSION ITEMS:

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.

Chair Warren states the item is to receive and file and return to the Commission with any urgent changes.

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.

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

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

11. Unaudited Year-End Financial Report for Fiscal Year 2023/2024

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.

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

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

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

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 representative to the CALAFCO Board of Directors.

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

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

INFORMATION ITEMS:

13. Legislative Oral Report

Executive Officer Samuel Martinez gives the Commission a summary on the Commission supported bills, the stand alone CALAFCO Bill, AB 3277, was signed by the Governor last month and the LAFCO Indemnification Bill, SB 1209, which has since been revised, is scheduled for its third reading. He concludes his report mentioning the Senate Concurrence Resolution (SCR) 163, was denied unanimously.

14. Executive Officer's Oral Report

Executive Officer Samuel Martinez states he is canceling the August hearing to facilitate the upcoming move and the next meeting will be September 18. He states that the Ad Hoc Admin & Finance Committee has been formed and also reminded the Commission to inform staff if anyone else wants to register for the CALAFCO Conference. He concludes his report stating that the Southern Region LAFCOs group is meeting at the end of August. Commissioner Denison comments to correct the August meeting date that is reflected on the staff report.

15. Commissioner Comments

There is none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:50 A.M

ATTEST:


ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

ACQUANETTA WARREN, Chair

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE : SEPTEMBER 9, 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 June 25, 2024 to July 22, 2024 and July 23, 2024 to August 22, 2024.

BACKGROUND INFORMATION:

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

- June 25, 2024 to July 22, 2024
- July 23, 2024 to August 22, 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 2

| F | | Cardholder Samuel Martinez | | | | | | Travel | Billing Period 6/25/24 to 7/22/2024 | |
|----------|---------------|-------------------------------|---------------------------------|---------------------------|-------------|-------------|------------|----------------|--|-------------------|
| DATE | VENDOR NAME | # | DESCRIPTION | PURPOSE | COST CENTER | G/L ACCOUNT | \$ AMT | TRIP NUMBER | *R/D | SALES TAX INCL |
| 06/25/24 | Thomas West | 1 | Law Library Updates | Law Library Updates | 8900005012 | 52002080 | \$345.18 | | | |
| 05/01/24 | Frontier Comm | 2 | Phone Service | Communication | 8900005012 | 52002041 | \$649.38 | | | |
| 07/01/24 | CALAFCO | 3 | Conf. Regis. for Commnrs | CALAFCO Annual Conference | 8900005012 | 52942941 | \$2,385.00 | | | |
| 07/02/24 | CALAFCO | 4 | Conf. Reg. for Commnrs | CALAFCO Annual Conference | 8900005012 | 52942941 | \$1,590.00 | | | |
| 07/02/24 | CALAFCO | 5 | Conf. Reg. for Comm. Chair | CALAFCO Annual Conference | 8900005012 | 52942941 | \$700.00 | | | |
| 07/02/24 | CALAFCO | 6 | Conf. Reg. for Staff | CALAFCO Annual Conference | 8900005012 | 52942941 | \$2,195.00 | | | |
| 07/02/24 | Tenaya Lodge | 7 | Hotel Rm for A Schell | CALAFCO Annual Conference | 8900005012 | 52942942 | \$232.68 | | | |
| 07/02/24 | Tenaya Lodge | 8 | Hotel Rm for A. Warren | CALAFCO Annual Conference | 8900005012 | 52942942 | \$232.68 | | | |
| 07/02/24 | Tenaya Lodge | 9 | Hotel Rm for A. Warren | CALAFCO Annual Conference | 8900005012 | 52942942 | \$232.68 | | | |
| 07/03/24 | Tenaya Lodge | 10 | Hotel Rm for Steven Farrell | CALAFCO Annual Conference | 8900005012 | 52942942 | \$232.68 | | | |
| 07/03/24 | Tenaya Lodge | 11 | Hotel Rm for Jim Bagley | CALAFCO Annual Conference | 8900005012 | 52942942 | \$232.68 | | | |
| 07/03/24 | Tenaya Lodge | 12 | Hotel Rm for Kevin Kenley | CALAFCO Annual Conference | 8900005012 | 52942942 | \$232.68 | | | |
| 07/03/24 | Tenaya Lodge | 13 | Hotel Rm for Michael Tuerpe | CALAFCO Annual Conference | 8900005012 | 52942942 | \$232.68 | | | |
| 07/03/24 | Tenaya Lodge | 14 | Hotel Rm for Samuel Martinez | CALAFCO Annual Conference | 8900005012 | 52942942 | \$232.68 | | | |

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  | 09/09/24 |

| Approving Official (Print & Sign) | Date |
|-----------------------------------|----------|
| Acquanetta Warren | 09/18/24 |



PROCUREMENT CARD PROGRAM


ATTACHMENT G

MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 2 OF 2

| F | | Cardholder Samuel Martinez | | | | | | Travel | Billing Period 6/25/24 to 7/22/2024 | |
|----------|--------------|-------------------------------|----------------------------|---------------------------|-------------|-------------|-----------|----------------|--|-------------------|
| DATE | VENDOR NAME | # | DESCRIPTION | PURPOSE | COST CENTER | G/L ACCOUNT | \$ AMT | TRIP NUMBER | *R/D | SALES TAX INCL |
| 07/03/24 | Tenaya Lodge | 15 | Hotel Rm for Arturo Pastor | CALAFCO Annual Conference | 8900005012 | 52942942 | \$232.68 | | | |
| 07/03/24 | Tenaya Lodge | 16 | Hotel Rm for Kimberly Cox | CALAFCO Annual Conference | 8900005012 | 52942942 | \$232.68 | | | |
| 07/03/24 | Tenaya Lodge | 17 | Hotel Rm for Jim Harvey | CALAFCO Annual Conference | 8900005012 | 52942942 | \$232.68 | | | |
| 07/12/24 | Zoom | 18 | Video Conference | Communication | 8900005012 | 52002305 | \$16.15 | | | |
| 07/18/24 | Panera Bread | 19 | Office Expense | Commission Meeting | 8900005012 | 52002305 | \$48.47 | | | |
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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  | 09/09/24 |

| Approving Official (Print & Sign) | Date |
|-----------------------------------|----------|
| Acquanetta Warren | 09/18/24 |



PROCUREMENT CARD PROGRAM


ATTACHMENT G

MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

| F | | Cardholder Samuel Martinez | | | | | | Travel | Billing Period 7/23/24 to 8/22/2024 | |
|----------|---------------|-------------------------------|-----------------------------|--------------------------------|-------------|-------------|-----------|----------------|--|-------------------|
| DATE | VENDOR NAME | # | DESCRIPTION | PURPOSE | COST CENTER | G/L ACCOUNT | \$ AMT | TRIP NUMBER | *R/D | SALES TAX INCL |
| 07/24/24 | Thomas West | 1 | Law Library Updates | Law Library Updates | 8900005012 | 52002080 | \$345.18 | | | |
| 07/24/24 | Frontier Comm | 2 | Phone Service | Communication | 8900005012 | 52002041 | \$649.38 | | | |
| 07/29/24 | Amazon | 3 | Bookshelf | Shelfing for Law Library Books | 8900005012 | 52002305 | \$695.99 | | | |
| 08/09/24 | Vimeo Pro | 4 | Annual Subscription - Video | View Commission Meeting | 8900005012 | 52002115 | \$240.00 | | | |
| 08/12/24 | Zoom | 5 | Video Conference | Communication | 8900005012 | 52002305 | \$17.23 | | | |
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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  | 09/09/24 |

| Approving Official (Print & Sign) | Date |
|-----------------------------------|----------|
| Acquanetta Warren | 09/18/24 |

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
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www.sbclafco.org

DATE : SEPTEMBER 11, 2024
FROM: SAMUEL MARTINEZ, Executive Officer 
TO: LOCAL AGENCY FORMATION COMMISSION

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

RECOMMENDATION:

Ratify payments as reconciled for the months of June and July 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:


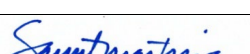
- June 1 through June 30, 2024
- July 1 through July 31, 2024

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


SM/MT

Attachment

| JUNE 2024 PAYMENTS PROCESSED | | | | | | | |
|--------------------------------------|---------|--------------|----------|-------------------|---------------|--|---------------------|
| Document Number | Account | Posting Date | Vendor | Invoice | Reference | Amount | |
| 1901799978 | 5200 | 2090 | 06/05/24 | Jan Pro | 97756 | Fee for Janitorial Service Month of June 2024 | \$ 588.00 |
| 1901808297 | 5200 | 2180 | 06/13/24 | So Cal Edison | 6433-06-10-24 | Cust acct 700099666433 Svc Acct 8002108287 | \$ 458.41 |
| 1901801194 | 5200 | 2305 | 06/06/24 | Stericycle | 8007405499 | 05-08-2024 Regular Svc | \$ 23.80 |
| 1901803921 | 5200 | 2400 | 06/10/24 | Best Best Krieger | 997649 | BBK Inv 997649 General | \$ 1,295.10 |
| 1901803923 | 5200 | 2400 | 06/10/24 | Best Best Krieger | 997648 | BBK Inv 997648 Other Special Counsel | \$ 591.60 |
| 1901798351 | 5200 | 2445 | 06/03/24 | Rebecca Lowery | 22 | Invoice for JUNE 16 - JUNE 31, 2024 | \$ 812.50 |
| 1901808255 | 5200 | 2445 | 06/13/24 | Rebecca Lowery | 23 | Rebecca Lowery Inv 23 June 1 -June 15, 2024 | \$ 712.50 |
| 1901776460 | 5200 | 2895 | 06/06/24 | Konica Minolta | 43868104 | Inv 43868104 | \$ 155.14 |
| 1901776460 | 5200 | 2895 | 06/06/24 | Konica Minolta | 43868104 | Inv 43868104 | \$ 365.38 |
| multiple | 4070 | 9545 | various | various | various | Refund from amounts remaining from deposit | \$ 15,198.96 |
| TOTAL | | | | | | | \$ 20,201.39 |
| JUNE 2024 COUNTY TRANSFERS PROCESSED | | | | | | | |
| 4103435051 | 5200 | 2031 | 06/01/24 | IT | | MAY 2024 Payroll System Services (EMACS) | \$ 83.88 |
| 4103453776 | 5200 | 2031 | 06/25/24 | IT | | JUN 2024 Payroll System Services (EMACS) | \$ 27.96 |
| 4103434114 | 5200 | 2032 | 06/01/24 | IT | | MAY 2024 Virtual Private Network (VPN) | \$ 17.30 |
| 4103453777 | 5200 | 2032 | 06/25/24 | IT | | JUN 2024 Virtual Private Network (VPN) | \$ 17.30 |
| 4103435052 | 5200 | 2037 | 06/01/24 | IT | | MAY 2024 Dial Tone | \$ 249.84 |
| 4103456176 | 5200 | 2037 | 06/27/24 | IT | | JUN 2024 Dial Tone | \$ 249.84 |
| 4103441856 | 5200 | 2305 | 06/24/24 | Purchasing | | 7634657781000002 | \$ 16.94 |
| 4103434363 | 5200 | 2420 | 06/01/24 | IT | | MAY 2024 Wireless Device (Exchange Active Sync) | \$ 24.21 |
| 4103434363 | 5200 | 2420 | 06/01/24 | IT | | MAY 2024 File Sharing Storage | \$ 100.18 |
| 4103434363 | 5200 | 2420 | 06/01/24 | IT | | MAY 2024 Enterprise Content Management | \$ 115.00 |
| 4103434363 | 5200 | 2420 | 06/01/24 | IT | | MAY 2024 Data Storage and Backup | \$ 100.76 |
| 4103453778 | 5200 | 2420 | 06/25/24 | IT | | JUN 2024 Wireless Device (Exchange Active Sync) | \$ 24.21 |
| 4103453778 | 5200 | 2420 | 06/25/24 | IT | | JUN 2024 File Sharing Storage | \$ 100.18 |
| 4103453778 | 5200 | 2420 | 06/25/24 | IT | | JUN 2024 Enterprise Content Management | \$ 115.00 |
| 4103453778 | 5200 | 2420 | 06/25/24 | IT | | JUN 2024 Data Storage and Backup | \$ 100.76 |
| 4103434120 | 5200 | 2421 | 06/01/24 | IT | | MAY 2024 Desktop Support Services | \$ 684.39 |
| 4103453779 | 5200 | 2421 | 06/25/24 | IT | | JUN 2024 Desktop Support Services | \$ 684.39 |
| 4103434117 | 5200 | 2410 | 06/01/24 | IT | | IT Infrastructure - Period 12 | \$ 705.00 |
| 4103441856 | 5200 | 5012 | 06/24/24 | P | | 7634657781000002 | \$ 141.17 |
| 4200136397 | 5200 | 2445 | 06/17/24 | Surveyor | | Review of maps and legal descriptions, entire year | \$ 1,800.00 |
| 4200136559 | 5200 | 2445 | 06/18/24 | ROV | | SC524 | \$ 97.17 |
| 4200136563 | 5200 | 2445 | 06/18/24 | ROV | | LAFCO 3270 | \$ 97.17 |
| 4200136566 | 5200 | 2445 | 06/18/24 | ROV | | LAFCO 3268 | \$ 97.17 |
| 4200136592 | 5200 | 2445 | 06/21/24 | ROV | | LAFCO 3268 | \$ 490.75 |
| 4200136992 | 5200 | 2310 | 06/20/24 | Mail | | Mail Services - HAN | \$ 311.76 |
| 4200137101 | 5200 | 2310 | 06/20/24 | Mail | | Mail Services - DEL | \$ 223.52 |
| 4200136313 | 5200 | 2323 | 06/13/24 | Purchasing | | N19461 - Emacs Reports 4-27-24 | \$ 18.96 |
| TOTAL | | | | | | | \$ 6,694.81 |
| | | | | | | | |
| | | | | | | | |
| JUNE 2024 CASH RECEIPTS | | | | | | | |
| TOTAL | | | | NONE | | | \$ - |


| | | | | | | | | | |
|---------------------------------------|--|-----------------------------|--|---|--|--------------|--|-------------------|--|
| | | | | | | | | | |
| | | | | | | | | | |
| JUNE 2024 COUNTY TRANSFERRED RECEIVED | | | | | | | | | |
| | | | | NONE | | | | | |
| TOTAL | | | | | | | | \$ - | |
| | | | |  | | | | | |
| | | | | | | | | | |
| COMPLETED BY: | | MICHAEL TUERPE | |  | | APPROVED BY: | | SAMUEL MARTINEZ | |
| | | Assistant Executive Officer | | | | | | Executive Officer | |
| | | Date: | | 9/11/2024 | | | | 9/11/2024 | |

| JULY 2024 PAYMENTS PROCESSED | | | | | | | |
|--------------------------------------|---------|------|--------------|-----------------------|---------------|--|---------------------|
| Document Number | Account | | Posting Date | Vendor | Invoice | Reference | Amount |
| 1901821697 | 5200 | 2075 | 07/08/24 | CALAFCO | 2024-35 | 2024-25 LAFCo Member Dues | \$ 12,509.00 |
| 1901824302 | 5200 | 2085 | 07/12/24 | Inland Daily Bulletin | B3824182 | Notice of Hearing Inland Valley Daily Bulletin/Ont | \$ 1,548.13 |
| 1901830218 | 5200 | 2085 | 07/26/24 | Inland Daily Bulletin | B3829796 | Notice of Hearing Inland Valley Daily Bulletin/Ont | \$ 1,692.41 |
| 1901821695 | 5200 | 2090 | 07/08/24 | City Comm | UNIT: 150 | City Comm Inv Unit 150 | \$ 372.00 |
| 1901822414 | 5200 | 2090 | 07/09/24 | Jan Pro | 98073 | Fee for Janitorial Service Month of July 2024 | \$ 588.00 |
| 1901824298 | 5200 | 2180 | 07/12/24 | Edison | 6433-07-11-24 | Cust Acct 700099666433 Svc Acct 8002108287 | \$ 719.18 |
| 1901821698 | 5200 | 2245 | 07/08/24 | SDRMA | 75830 | SDRMA Workers' Comp Program Invoice | \$ 2,342.38 |
| 1901821701 | 5200 | 2245 | 07/08/24 | SDRMA | 75367 | SDRMA Property/Liability Package Program Invoice | \$ 10,269.15 |
| 1901821703 | 5200 | 2315 | 07/08/24 | Storetrieve | 4292275 | Storage Secure Digital Storage | \$ 125.91 |
| 1901822416 | 5200 | 2315 | 07/09/24 | Storetrieve | 4332297 | Records Storage Inv 4332297 | \$ 126.06 |
| 1901824314 | 5200 | 2400 | 07/12/24 | Best Best Krieger | 1000566 | Legal counsel\ | \$ 641.10 |
| 1901824316 | 5200 | 2400 | 07/12/24 | Best Best Krieger | 1000565 | Legal counsel\ | \$ 1,914.00 |
| 1901824824 | 5200 | 2424 | 07/15/24 | Tom Dodson | LAFCO24-5 | Tom Dodson Inv LAFCO 24-5 LAFCO Projects FY23/24 | \$ 110.00 |
| 1901825287 | 5200 | 2444 | 07/16/24 | Bay Alarm | 21551770 | Bay Alarm Inv 21551770 | \$ 123.00 |
| 1901827759 | 5200 | 2444 | 07/22/24 | Troy Alarm | 51163 | Troy Alarm Inv 51163 | \$ 448.75 |
| 1901827759 | 5200 | 2444 | 07/22/24 | Troy Alarm | 51163 | Troy Alarm Inv 51163 | \$ 10.88 |
| 1901821693 | 5200 | 2445 | 07/08/24 | Rebecca Lowery | 24 | Rebecca Lowery Invoice June 16 to June 30, 2024 | \$ 937.50 |
| 1901824792 | 5200 | 2445 | 07/15/24 | Rebecca Lowery | 25 | Rebecca Lowery Inv for July 1 - July 15, 2024 | \$ 1,089.36 |
| 1901826171 | 5200 | 2445 | 07/17/24 | GMBI | P183870-IN | Order for Herman Miller & Elevate Furniture | \$ 13,286.14 |
| 1901826171 | 5200 | 2445 | 07/17/24 | GMBI | P183870-IN | Order for Herman Miller & Elevate Furniture | \$ 4,636.50 |
| 1901827736 | 5200 | 2445 | 07/22/24 | Armendarez | ARMEND7-17 | Armendarez Stipend for July 17 Comm Mtg | \$ 200.00 |
| 1901827738 | 5200 | 2445 | 07/22/24 | Bagley | BAGLEY7-17 | Bagley Stipend for July 17 Comm Mtg | \$ 200.00 |
| 1901827740 | 5200 | 2445 | 07/22/24 | Cox | COX7-17 | Cox Stipend for July 17 Comm Mtg | \$ 200.00 |
| 1901827741 | 5200 | 2445 | 07/22/24 | Denison | DENISON7-17 | Denison Stipend for July 17 Comm Mtg | \$ 200.00 |
| 1901827742 | 5200 | 2445 | 07/22/24 | Farrell | FARRELL7-17 | Farrell Stipend for July 17 Comm Mtg | \$ 200.00 |
| 1901827745 | 5200 | 2445 | 07/22/24 | Harvey | HARVEY7-17 | Harvey Stipend for July 17 Comm Mtg | \$ 200.00 |
| 1901827747 | 5200 | 2445 | 07/22/24 | Kenley | KENLEY7-17 | Kenley Stipend for July 17 Comm Mtg | \$ 200.00 |
| 1901827749 | 5200 | 2445 | 07/22/24 | Warren | WARREN7-17 | Warren Stipend for July 17 Comm Mtg | \$ 200.00 |
| 1901830214 | 5200 | 2445 | 07/26/24 | Event Design Lab | 7172024 | Live Stream Broadcast Package for 7/17 Comm Mtg | \$ 900.00 |
| 1901821695 | 5200 | 2905 | 07/08/24 | City Comm | UNIT: 150 | City Comm Inv Unit 150 | \$ 14,683.68 |
| 1901822394 | 5200 | 2905 | 07/09/24 | IVDA | INV0090 | Monthly rent for using Auditorium -- July 2024 | \$ 405.00 |
| 1901830662 | 5200 | 2905 | 07/29/24 | IVDA | INV0132 | Security Deposit -- Office Suite 102 | \$ 5,018.00 |
| 1901830663 | 5200 | 2905 | 07/29/24 | IVDA | INV0131 | Monthly Rent -- Office Suite 102 | \$ 2,509.00 |
| 1901827738 | 5294 | 2940 | 07/22/24 | Bagley | BAGLEY7-17 | Travel for July 17 Comm Mtg | \$ 116.58 |
| 1901827740 | 5294 | 2940 | 07/22/24 | Cox | COX7-17 | Travel for July 17 Comm Mtg | \$ 79.06 |
| 1901827741 | 5294 | 2940 | 07/22/24 | Denison | DENISON7-17 | Travel for July 17 Comm Mtg | \$ 89.64 |
| 1901827742 | 5294 | 2940 | 07/22/24 | Farrell | FARRELL7-17 | Travel for July 17 Comm Mtg | \$ 24.52 |
| 1901827745 | 5294 | 2940 | 07/22/24 | Harvey | HARVEY7-17 | Travel for July 17 Comm Mtg | \$ 112.56 |
| 1901827747 | 5294 | 2940 | 07/22/24 | Kenley | KENLEY7-17 | Travel for July 17 Comm Mtg | \$ 32.42 |
| 1901827749 | 5294 | 2940 | 07/22/24 | Warren | WARREN7-17 | Travel for July 17 Comm Mtg | \$ 26.26 |
| | | | | | | | \$ 79,086.17 |
| JULY 2024 COUNTY TRANSFERS PROCESSED | | | | | | | |
| 4103453991 | 5200 | 2037 | 07/01/24 | IT | | JUN 2024 Dial Tone | \$ 249.84 |
| 4103455900 | 5200 | 2037 | 07/01/24 | IT | | JUN 2024 Dial Tone | \$ (249.84) |
| 4103458776 | 5200 | 2305 | 07/01/24 | Purchasing | | 7635353328000001 | \$ 7.43 |
| 4103467991 | 5200 | 2305 | 07/08/24 | Purchasing | | 7635624742000001 | \$ 13.17 |
| 4103508221 | 5241 | 2410 | 07/31/24 | IT | | IT Infrastructure - Period 1 | \$ 749.00 |

| | | | | | | | | |
|--|-----------------------------|------|-----------|---|--|--|-------------------|-------------------|
| 4103458776 | 5540 | 5012 | 07/01/24 | Purchasing | | 7635353328000001 | \$ | 61.95 |
| 4103467991 | 5540 | 5012 | 07/08/24 | Purchasing | | 7635624742000001 | \$ | 109.79 |
| 4200137894 | 5200 | 2424 | 07/12/24 | Clerk to the Board | | NOE LAFCO SC #526 | \$ | 50.00 |
| 4200138494 | 5200 | 2424 | 07/23/24 | Clerk to the Board | | NOE - LAFCO SC#528 | \$ | 50.00 |
| 4200138497 | 5200 | 2424 | 07/23/24 | Clerk to the Board | | NOE - LAFCO SC#527 | \$ | 50.00 |
| 4200138595 | 5200 | 2424 | 07/26/24 | Clerk to the Board | | NOD - LAFCO 3268, As Modified | \$ | 50.00 |
| 4200137984 | 5200 | 2310 | 07/08/24 | Mail | | Mail Services - DEL | \$ | 193.04 |
| 4200137985 | 5200 | 2310 | 07/08/24 | Mail | | Mail Services - HAN | \$ | 2,376.13 |
| 4200138052 | 5200 | 2310 | 07/09/24 | Mail | | Mail Services - FLAT | \$ | 28.56 |
| TOTAL | | | | | | | \$ | 3,739.07 |
| | | | | | | | | |
| | | | | | | | | |
| JULY 2024 CASH RECEIPTS | | | | | | | | |
| 4103476941 | 4070 | 9800 | 07/09/24 | City of Fontana | | Service Contract No. 526 | \$ | 606.00 |
| 4103476941 | 4070 | 9800 | 07/10/24 | City of Redlands | | Service Contract No. 527 | \$ | 606.00 |
| 4103476941 | 4070 | 9800 | 07/11/24 | City of Redlands | | Service Contract No. 528 | \$ | 606.00 |
| TOTAL | | | | | | | \$ | 1,818.00 |
| | | | | | | | | |
| | | | | | | | | |
| JULY 2024 COUNTY TRANSFERRED RECEIVED | | | | | | | | |
| 1800001565-637 | 4060 | 8842 | 07/01/24 | Auditor | | LAFCO Apportionment (Districts & Cities) | \$ | 781,522.00 |
| TOTAL | | | | | | | \$ | 781,522.00 |
| | | | | | | | | |
| | | | | | | | | |
| COMPLETED BY: | MICHAEL TUERPE | | |  | | APPROVED BY: | SAMUEL MARTINEZ | |
| | Assistant Executive Officer | | | | | | Executive Officer | |
| | | | | | | | | |
| | Date: | | 9/11/2024 | | | 9/11/2024 | | |

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: SEPTEMBER 11, 2024 
FROM: SAMUEL MARTINEZ, Executive Officer
ARTURO PASTOR, Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #6: LAFCO SC#529 - City of Rialto Extraterritorial
Wastewater Service Agreement (Shorecliff Capital, LLC)

INITIATED BY:

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

RECOMMENDATION:

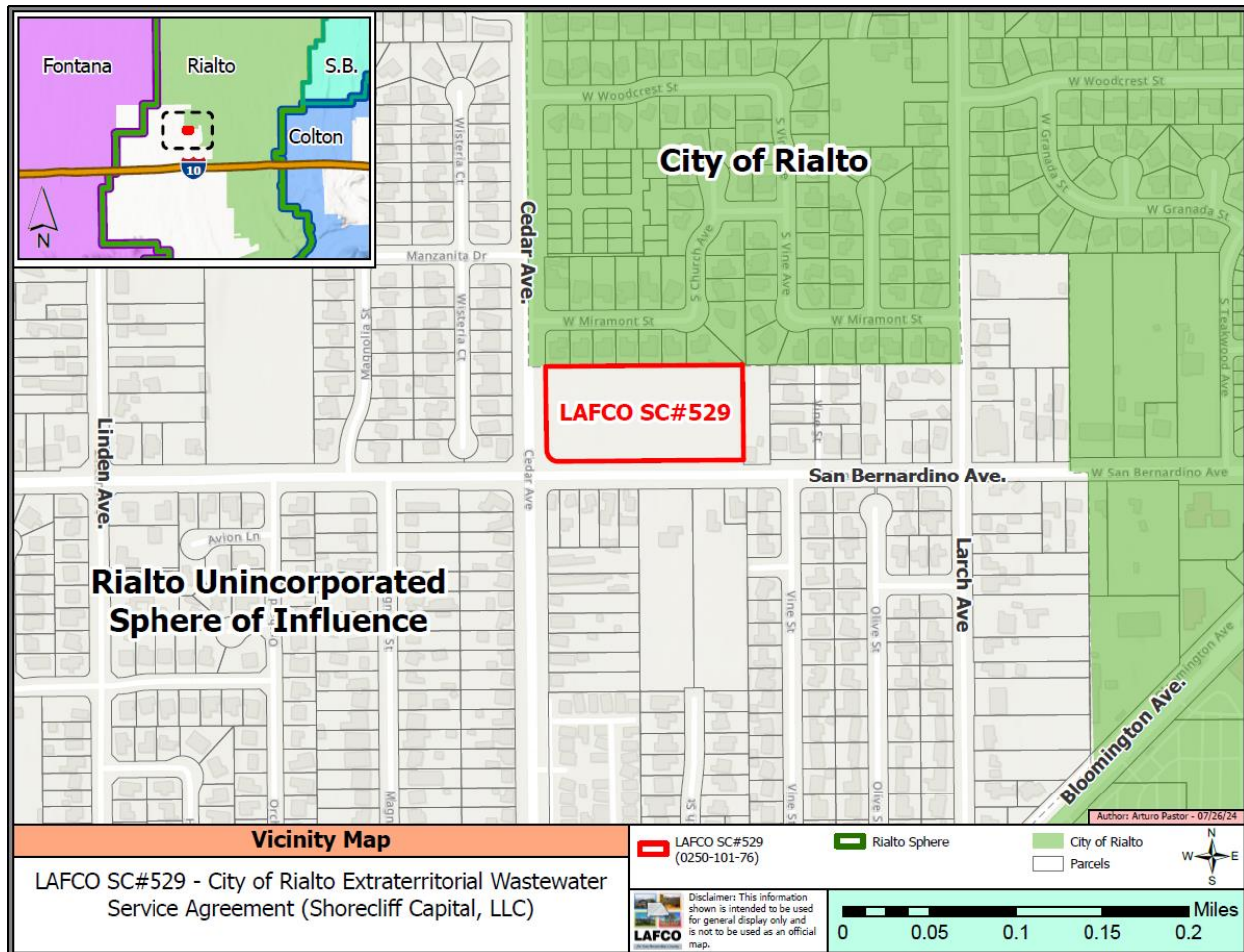
Staff recommends that the Commission approve LAFCO SC#529 by taking the following actions:

1. For environmental review as a responsible agency:
 - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the environmental assessment and Mitigated Negative Declaration prepared by the County of San Bernardino for a Zoning Amendment from RL-5 (Rural Living 5 Acres Minimum) to CG (General Commercial) and a Conditional Use Permit to construct a gas station with a convenience store, car wash, restaurant, and a two-story multi-tenant commercial building on approximately 3.97 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. Direct the Executive Officer to file a Notice of Determination within five (5) days of this action.

2. Approve LAFCO SC#529 authorizing the City of Rialto to extend sewer service outside its boundaries to Assessor Parcel Number 0250-101-76.
3. Adopt LAFCO Resolution No. 3406 setting forth the Commission’s determinations and approval of the agreement for service outside the City of Rialto’s boundaries.

BACKGROUND:

The City of Rialto (hereinafter the “City”) has submitted a request for approval of an out-of-agency service agreement that outlines the terms by which it will extend sewer service to Assessor Parcel Number (APN) 0250-101-76, which encompasses approximately 3.97 acres and is generally located on the northeast corner of Cedar and San Bernardino Avenues, within the City of Rialto’s southern sphere of influence in the unincorporated Bloomington community. The map below, which is also included as Attachment #1 to the staff report, provides a location of the contract area. In addition, the City’s application (included as Attachment #2 to the staff report) include maps outlining the location of the sewer infrastructure to be extended.



The County Land Use Services Department processed and approved a Zoning Amendment and a Conditional Use Permit to construct a gas station with a convenience store, a car wash, a restaurant and a two-story multi-tenant commercial building on the 3.97-acre parcel, which was approved by the County Board of Supervisors on July 23, 2024. The Conditions of Approval placed upon this project includes the requirement to connect to the City of Rialto's sewer facilities prior to issuance of building permits (see Condition 80) and the required LAFCO approval of said out-of-agency service connection (Condition 81). A copy of the Conditions of Approval for the project is included as Attachment #3 to this report.

Therefore, the City, on behalf of the property owner/developer, has requested that the Commission authorize the extension of sewer service to the parcel pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

PLAN FOR SERVICE:

The City's application (included as Attachment #2 to this report) indicates that sewer service will be provided to the project by extending the sewer main located at the intersection of San Bernardino and Larch Avenues to the west by approximately 900 feet (see sewer infrastructure map included as part of Attachment #2).

Pursuant to the Commission's application requirements for service contracts, information must be provided regarding all financial obligations for the extension of services outside an agency's boundaries. The City of Rialto has identified an estimated cost of \$119,645.85 in sewer treatment and collection fees:

| Description | Unit Measure | Unit | Rate | Extra-territorial Rate | Total |
|---|--------------|-------|-------------|------------------------|---------------------|
| Sewage Treatment - Car Wash | TSF | 1.26 | \$19,237.27 | 1.3 | \$31,510.65 |
| Sewage Treatment - Professional Offices | TSF | 15.35 | \$1,482.94 | 1.3 | \$29,592.07 |
| Sewage Treatment - Gas Station/Convenience Store | TSF | 11.74 | \$990.22 | 1.3 | \$15,112.74 |
| Sewage Treatment - Drive Thru Restaurant | Per Seat | 50 | \$308.70 | 1.3 | \$20,065.50 |
| Sewage Collection Retail/Service/Industrial Space | LLF | 1,997 | \$9.00 | 1.3 | \$23,364.90 |
| | | | | Total | \$119,645.85 |

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

ENVIRONMENTAL DETERMINATION:

The County Land Use Services Department prepared an Initial Study and Mitigated Negative Declaration for a Zoning Amendment from RL-5 (Rural Living 5 Acre Minimum) to CG (General Commercial) and a Conditional Use Permit for a commercial retail plaza consisting of a gas station with a 5,200 sq. ft. convenience store, a 1,485 sq. ft. car wash, a 5,740 sq. ft. restaurant, and two-story 15,350 sq. ft. multi-tenant commercial building.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and Mitigated Negative Declaration for the proposed project. Mr. Dodson's analysis indicates that the County's environmental assessment and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency.

Mr. Dodson has indicated that the necessary environmental actions to be taken by the Commission are as follows:

- a) Certify that the Commission, its staff, and its Environmental Consultant, have independently reviewed and considered the County's environmental assessment and Mitigated Negative Declaration for the project and found them to be adequate for Commission use;
- b) Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for the project; that the mitigation measures identified in the County's environmental documents are the responsibility of the County and/or others, not the Commission; and,
- c) Direct the Executive Officer to file the Notice of Determination within five (5) days.

A copy of Mr. Dodson's response together with the County's Mitigated Negative Declaration is included as Attachment #4 to this report.

CONCLUSION:

The development of the gas station with a convenience store, car wash, restaurant and two-story multi-tenant commercial building approved by the County requires that it receive sewer service from the City of Rialto. In order for the project to proceed and for the property owner/developer to pull building permits, the property owner/developer must show proof of its ability to connect to the City of Rialto's sewer infrastructure – which is the Commission's authorization for the agreement.

Staff has reviewed this request for authorization to provide sewer service from the City of Rialto outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide sewer service to APN 0250-101-76 since its sewer facilities are in close proximity to the project area, and there is no other existing entity available to provide this service within the area.

DETERMINATIONS:

1. The project area, Assessor Parcel Number 0250-101-76, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future. Sewer service will be provided by the City of Rialto, whose boundary is already adjacent to the project area.

The requirements to receive sewer to the City is a condition of approval placed upon the project by the Land Use Services Department. Therefore, approval of the City of Rialto's request for authorization to provide sewer service is necessary in order to satisfy the conditions of approval for the project.

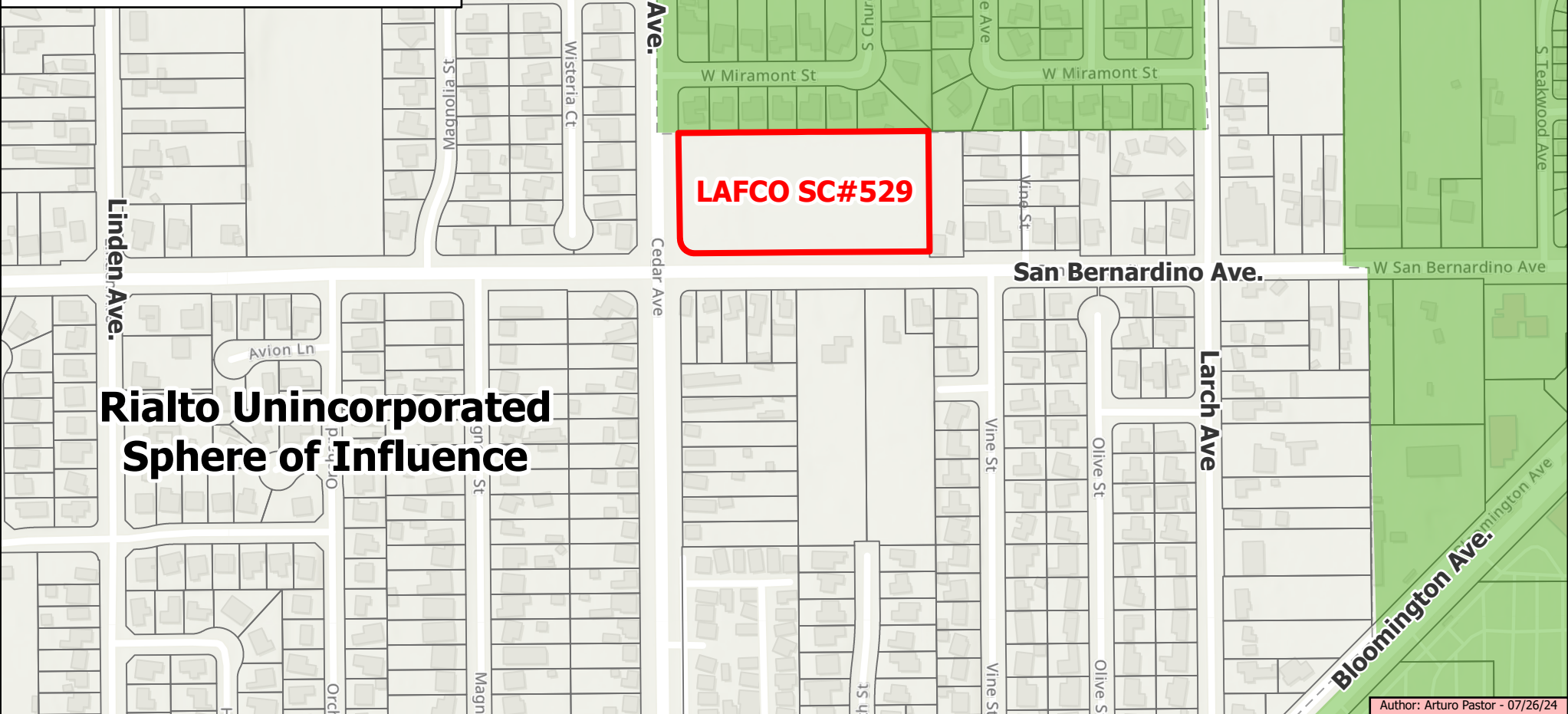
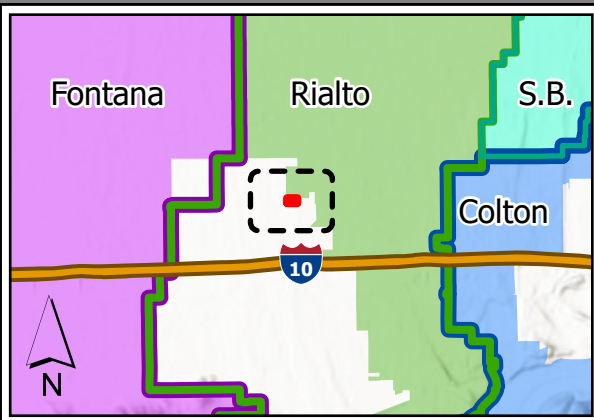
2. The City of Rialto Extraterritorial Wastewater Service Agreement between the City of Rialto and Shorecliff Capital, LLC being considered is for the provision of sewer service to Assessor Parcel Number 0250-101-76. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner/developer and the City of Rialto to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Rialto for the extension of sewer service to the parcel are identified as totaling \$119,645.85. In addition, the property owner/developer will be responsible for the entire cost for the construction and installation of the sewer main extension and the sewer lateral extension.
4. Acting as the CEQA Lead Agency, the County of San Bernardino, as a function of its review for a Conditional Use Permit to construct a gas station with a convenience store, car wash, restaurant and a two-story multi-tenant commercial building on the 3.97-acre parcel prepared an environmental assessment and adopted a Mitigated Negative Declaration, which indicates that approval of the project will not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County's Initial Study and Mitigated Negative Declaration have been reviewed by the Commission and its staff who finds them to be adequate for the service contract decision.

The Commission certifies that it has reviewed and considered the County's Mitigated Negative Declaration and its environmental effects as outlined in the Initial Study prior to reaching a decision on the service contract and finds the information substantiating the Mitigated Negative Declaration is adequate for its use as CEQA Responsible Agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures, as these are the responsibility and jurisdiction of the County and/or others and are considered self-mitigating through implementation of the Conditions of Approval.

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

Attachments:

1. [Vicinity Map](#)
2. [City of Rialto's Application and Signed Extraterritorial Wastewater Service Agreement](#)
3. [County's Conditions of Approval for the Project](#)
4. [Response from Tom Dodson and Associates including the County's Mitigated Negative Declaration](#)
5. [Draft Resolution No. 3406](#)



Author: Arturo Pastor - 07/26/24

Vicinity Map

LAFCO SC#529 - City of Rialto Extraterritorial Wastewater Service Agreement (Shorecliff Capital, LLC)



LAFCO SC#529
(0250-101-76)



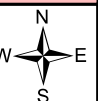
Rialto Sphere



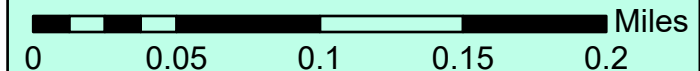
City of Rialto



Parcels



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



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

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

AGENCY TO EXTEND SERVICE:

AGENCY NAME: City of Rialto

CONTACT PERSON: Tanya Williams, Assistant City Manager

ADDRESS: 150 South Palm Avenue
Rialto, CA 92376

PHONE: (909) 820-2525 Ext 2175

EMAIL: twilliams@rialtoca.gov

CONTRACTING PARTY:

NAME OF
PROPERTY OWNER: Shorecliff Capital, LLC

CONTACT PERSON: Joseph Daneshger

MAILING ADDRESS: 468 N. Camden Drive Suite 300
Beverly Hills, CA

PHONE: _____

EMAIL: _____

ADDRESS OF PROPERTY
PROPOSED FOR CONTRACT: _____

CONTRACT NUMBER/IDENTIFICATION: _____

PARCEL NUMBER(S): 0250-101-76-0000

ACREAGE: _____

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

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

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

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

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

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

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

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

Property site is not contiguous to the City of Rialto.

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

Annexation is not being considered at this time.

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

Not Applicable.

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

Please see response attached.

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

Please see response attached.

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

Please see response attached.

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

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

Please see response attached.

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

10. Plan for Service:

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

Please see response attached.

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

| Description of Fees/Charges | | Cost | | Total | |
|--|--------------|-------|-------------|-----------------------|---------------------|
| | | | | | |
| Description | Unit Measure | Unit | Rate | Extraterritorial Rate | Total |
| Sewage Treatment - Group II Car Wash | TSF | 1.26 | \$19,237.27 | 1.3 | \$31,510.65 |
| Sewage Treatment - Group II Professional Offices | TSF | 15.35 | \$1,482.94 | 1.3 | \$29,592.07 |
| Sewage Treatment - Group III Gas Station/Convenience Store | TSF | 11.74 | \$990.22 | 1.3 | \$15,112.74 |
| Sewage Treatment - Group IV Drive Thru Restaurant | Per Seat | 50 | \$308.70 | 1.3 | \$20,065.50 |
| Sewage Collection Retail/Service/Industrial Space | LLF | 1,997 | \$9.00 | 1.3 | \$23,364.90 |
| Total | | | | | \$119,645.85 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| Total Costs | | | | \$119,645.85 | |

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

The City of Rialto charges an "Out of Area" service factor of 1.3 times the approved development impact fees.

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

Not applicable.

- 11 Does the City/District have any policies related to extending service(s) outside its boundary? ☐ YES ☒ NO. If yes, has a copy been provided to LAFCO? ☐ YES ☐ NO. If not, please include a copy of the policy or policies (i.e. resolution, municipal code section, etc.) as part of the application.

CERTIFICATION

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

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

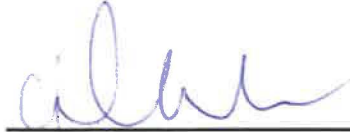
The agency signing this application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications. I understand that if this application is approved, the Commission will impose a condition requiring the applicant to indemnify, hold harmless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

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

SIGNED



NAME:

Tanya Williams

POSITION TITLE:

Assistant City Manager

DATE:

8/14/24

REQUIRED EXHIBITS TO THIS APPLICATION:

1. Copy of the agreement/contract.
2. Map(s) showing the property to be served, existing agency boundary, the location of the existing infrastructure, and the proposed location of the infrastructure to be extended.
3. Certified Plan for Service (if submitted as a separate document) including financing arrangements for service.

Please forward the completed form and related information to:

Local Agency Formation Commission for San Bernardino County
1170 West 3rd Street, Unit 150
San Bernardino, CA 92415-0490
PHONE: (909) 388-0480 • FAX: (909) 388-0481

Rev: krm – 8/19/2015



City of Rialto California

RE:LAFCO Out of Service Application (Shorecliff)– Response to questions 5 – 10a.

5. Is the service agreement/contract outside the Agency's sphere of influence in response to a threat to the public health and safety of the existing residents as defined by Government Code Section 56133(c)?

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

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

Response

The Project Site is currently vacant with natural vegetation and void of any structures. The subject property is adjacent to two (2) public roadways, i.e. San Bernardino Avenue and Cedar Avenue.

(b) Is a change in use proposed for the property? **X YES** 0 NO. If yes, please provide a description of the land use change.

Response

A 'change of use' for the subject property is from vacant land to a proposed retail / office development. The subject property is located in the Commercial (C) Land Use Category designation per the Countywide Plan, Policy Plan (General Plan), which was adopted on October 27, 2020. The General Plan designated the subject parcel as Commercial; however, the comprehensive Zoning Map Update has not been completed, and the parcel remains in the Rural Living-5 Acre Minimum Lot Area (RL-5). The Zoning Amendment from the RL-5 to CG Zoning District will bring the parcel into conformance with the Commercial (C) Land Use Category pursuant to Government Code Section 65860.

The proposed General Commercial zoning designation is in areas where retail, office and service businesses can serve the needs of local residents and provide employment opportunities for residents in the surrounding area. The use of a service station, carwash, restaurant, and commercial building larger than 10,000-square foot requires review and approval of a Conditional Use Permit.

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

Response

The applicant has submitted applications for a zoning amendment to amend the Land Use Zoning District from Rural Living 5-acre Minimum Lot Size (RL-5) to General Commercial (CG) (Zoning Amendment) for a single parcel totaling approximately 4 acres, and a Conditional Use Permit for a commercial retail plaza consisting of a gas station with a 5,200 square foot convenience store and a 1,485 square foot car wash, a 5,740 square foot restaurant and a 15,350 square foot multitenant commercial building (collectively Project), located on the northeast corner of Cedar Avenue and San Bernardino Avenue (Project Site). The Project Site is currently vacant with natural vegetation and is located approximately half a mile north of Interstate 10, in the City of Rialto Sphere of Influence, 5th Supervisorial District.

Utilities shall be installed in San Bernardino Avenue to service the proposed development. A sewer main will be installed in San Bernardino Avenue extending approximately 900 linear feet to the east and connecting to the existing sewer system at Larch and San Bernardino Avenues.

The surrounding area is predominantly residential, developed with single-family homes to the north, east, south, and west. The western portion of the site will be developed by the Circle K Corporation (Circle K), which includes a gas station, car wash, and convenience store identified as building "C", and the eastern portion of the site is going to be developed by the master developer/ landowner and contains the restaurant and the two-story multi-tenant commercial building. The master developer will rough grade the entire site, install the public improvements and extend utilities to each structure. Circle K will then be responsible for the remainder of the improvements and structure for its convenience store, service station, and car wash. At this time, future tenants have not been identified for the restaurant or the two-story multi-tenant commercial building.

The project has received entitlement approvals as follows:

April 18, 2024: San Bernardino County Planning Commission

July 23, 2024: San Bernardino County Board of Supervisors

ADOPT the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;

ADOPT the Findings in support of the Zoning Amendment and the Conditional Use Permit;

ADOPT an ordinance to amend the Land Use Zoning District from Rural Living 5-acre Minimum Lot Area (RL-5) to General Commercial (CG) for one parcel totaling approximately 4 acre;

APPROVE the Conditional Use Permit for a commercial retail plaza consisting of a gas station with a 5,200-square foot convenience store with a 1,485 square foot car wash, a 5,740-square foot restaurant and a 15,350-square foot multi-tenant commercial building, located at the Northeast corner of Cedar Avenue and San Bernardino Avenue, subject to the Conditions of Approval (Exhibit B); and **DIRECT** the Land Use Services Department to file the Notice of Determination in accordance with the California Environmental Quality Act.

ENVIRONMENTAL REVIEW:

An Initial Study (IS) has been completed in compliance with the California Environmental Quality Act (CEQA)(Exhibit C). The IS concludes that the Project will have a less than significant adverse impact on the environment with the implementation of recommended mitigation measures contained in the IS, which have been incorporated in the Conditions of Approval and the Mitigation Monitoring & Reporting Program (MMRP).

8. Are there any land use entitlements/permits involved in the agreement/contract?

X YES 0 NO. If yes, please provide documentation for this entitlement including the conditions of approval and environmental assessment that are being processed together with the project. Please check and attach copies of those documents that apply.

Response:

The project has received entitlement approvals as follows:

April 18, 2024: San Bernardino County Planning Commission

July 23, 2024: San Bernardino County Board of Supervisors

ADOPTED the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program);

ADOPTED the Findings in support of the Zoning Amendment and the Conditional Use Permit;

ADOPTED an ordinance to amend the Land Use Zoning District from Rural Living 5-acre Minimum Lot Area (RL-5) to General Commercial (CG) for one parcel totaling approximately 4 acre;

APPROVED the Conditional Use Permit for a commercial retail plaza consisting of a gas station with a 5,200-square foot convenience store with a 1,485 square foot car wash, a 5,740-square foot restaurant and a 15,350-square foot multi-tenant commercial building, located at the Northeast corner of Cedar Avenue and San Bernardino Avenue, subject to the Conditions of Approval (Exhibit B); and **DIRECTED** the Land Use Services Department to file the Notice of Determination in accordance with the California Environmental Quality Act.

ENVIRONMENTAL REVIEW:

An Initial Study (IS) has been completed in compliance with the California Environmental Quality Act (CEQA)(Exhibit C). The IS concludes that the Project will have a less than significant adverse impact on the environment with the implementation of recommended mitigation measures contained in the IS, which have been incorporated in the Conditions of Approval and

the Mitigation Monitoring & Reporting Program (MMRP).

Construction and/or maintenance of utilities and other public improvements within existing roadway sections is classified as an exempt activity.

Tentative Tract Map / Parcel Map N/A

Permit (Conditional Use Permit, General Plan Amendment, etc.) X

Conditions of Approval X

Negative Declaration (Initial Study) X

Notice of Determination (NOD)/Notice of Exemption (NOE) X

Department of Fish and Game (DFG) Receipt 'TBD'

Others (please identify below)

9. Has the agency proposing to extend service conducted any CEQA review for this contract? 0 YES X NO. If yes, please provide a copy of the agency's environmental assessment including a copy of the filed NOD/NOE and a copy of the DFG Receipt.

10. Plan for Service:

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

Response

The subject property will be serviced by both wet and dry utilities that are currently available within the existing public right-of-way / roadway system with the exception of sanitary sewer. The City of Rialto Utilities Division has reviewed their ability to provide sewer service to the proposed project. The City has determined that there is adequate capacity to extend and tie in a mainline sewer line to service the subject property / project (reference 'Extraterritorial Wastewater Service Agreement executed on June 14, 2023). The property owner / developer will construct a 10-inch sewer main within the existing roadway section of San Bernardino Avenue commencing approximately 150 feet from the intersection of Cedar and San Bernardino Avenues; thence east approximately 1000 liner feet (l.f.) connecting at the existing manhole within the intersection of Larch and San Bernardino Avenues. All work will be done in accordance with City of Rialto Standard Drawings, Standard Special Provisions, and the latest edition of Standard Specifications for Public Works Construction.

Construction activities will involve trenching into the existing pavement section of San Bernardino Avenue, excavation to a depth of approximately 8 feet to install the 10-inch sewer main at the proper depth. Trenches will be backfilled, compacted and roadway base and AC material will be installed to provide for the proper street section.

This 'connection point' ties the proposed project to the existing sanitary sewer system in the City, through its concessionaire Rialto Water Services, and sewer system operator Veolia, which provides wastewater conveyance, treatment, and disposal services for wastewater ("Sewer Services") to properties within the City's jurisdiction and spheres of influence, and has adequate

pipelines, facilities, and infrastructure for said Sewer Services.

Two (2) 8-inch sewer mains will be extended from the 10-inch sewer main in San Bernardino Avenue to service the future buildings to occupy the subject property.

Permits necessary to install the proposed sanitary sewer main include the following:

1. Construction / Inspection / Encroachment permits from the City of Rialto and County of San Bernardino Public Works Departments.

SEWER IMPROVEMENTS GENERAL NOTES

1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH CITY OF RIALTO STANDARD DRAWINGS, STANDARD SPECIAL PROVISIONS, AND THE LATEST EDITION OF STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, WITH SUPPLEMENTS, ANY VARIATION FROM OR EXCEPTION TO THE STANDARDS OR FOLLOWING GENERAL NOTES MUST BE APPROVED BY THE CITY.
 2. ALL MAINLINE SEWERS SHALL BE VCP BELL AND SPIGOT. RESIDENTIAL LATERALS SHALL BE 4" VCP BELL AND SPIGOT. COMMERCIAL LATERALS SHALL BE 6" MINIMUM VCP BELL AND SPIGOT. NO SUBSTITUTIONS ALLOWED.
 3. THE CONTRACTOR SHALL NOTIFY THE CITY OF RIALTO DEVELOPMENT SERVICES DEPARTMENT AT LEAST 48 HOURS PRIOR TO THE START OF ANY PHASE OF CONSTRUCTION AND 24 HOURS PRIOR TO THE NEED OF INSPECTION.
 4. EXCAVATION AND TRENCH WORK SHALL BE PERFORMED IN ACCORDANCE WITH APPLICABLE STATE CONSTRUCTION SAFETY ORDERS. THE CONTRACTOR SHALL BE REQUIRED TO SHOW THAT A PERMIT FROM THE DIVISION OF INDUSTRIAL SAFETY HAS BEEN OBTAINED BEFORE SEWER CONSTRUCTION PERMIT CAN BE ISSUED.
 5. MANHOLE COVERS SHALL BE LEFT AT LEAST 6" BELOW SUB GRADE AND BROUGHT TO FINAL GRADE UPON COMPLETION OF PAVING.
 6. FOUR-INCH (4") V.C.P. SEWER LATERAL CONNECTIONS SHALL BE LAID TO GRADE AS ESTABLISHED BY THE ENGINEER SO THAT THE 4"-V.C.P. WILL HAVE A MINIMUM COVER OF FOUR (4) TO THE TOP OF PIPE AT PROPERTY LINE AND SHALL HAVE A MINIMUM GRADE OF 2%. ALL SEWER LATERALS SHALL BE LAID 90 DEGREES TO THE MAIN LINE. CONSTRUCTION SHALL BE PER CITY STANDARD DRAWING.
 - 10.3. NO LATERAL SHALL BE PLACED UNDER ANY DRIVEWAY APPROACH OR DRIVEWAY.
 7. ALL COMPACTION SHALL BE PERFORMED AS SHOWN ON CITY OF RIALTO STANDARD NO. 110 AND THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, CURRENT EDITION AND ADDENDUMS.
 8. ALL VITRIFIED CLAY PIPE JOINTS TO BE TYPE D OR TYPE G AS SPECIFIED IN THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, CURRENT ADDITION.
 9. FINAL AIR TESTING FOR PIPELINE LEAKAGE SHALL BE MADE IN THE PRESENCE OF THE CITY INSPECTOR AFTER BACKFILL AND COMPACTION HAVE BEEN COMPLETED BY THE CONTRACTOR AND INSPECTED, APPROVED AND ACCEPTED BY THE CITY.
 10. ALL SEWER LINES TO BE BALLED IN THE PRESENCE OF THE CITY INSPECTOR AFTER FINAL TESTING AND MANHOLE COVERS HAVE BEEN BROUGHT TO GRADE UPON COMPLETION OF PAVING. BALLING MUST BE COMPLETED TO THE SATISFACTION OF THE CITY ENGINEER PRIOR TO OCCUPANCY RELEASES BEING ISSUED.
 11. THE DEVELOPER'S ENGINEER SHALL FURNISH A COMPLETE SET OF "AS-BUILT" PLANS ON ORIGINAL MYLARS TO THE CITY AT THE COMPLETION OF THE SEWER WORK AND PRIOR TO PAVING OF STREETS, SHOWING LOCATION OF WYES AND END OF HOUSE LATERALS AT THE PROPERTY LINE.
 12. SAND BEDDING SHALL BE S.E. MIN. 30, 4" UNDER THE PIPE, AND 12" OF COLORED SAND OVER THE TOP OF PIPE UNLESS OTHERWISE NOTED ON PLANS. COLOR TO BE APPROVED BY FIELD INSPECTOR PRIOR TO LAYING.
 13. THE CURB AND GUTTER SHALL BE ETCHED SHOWING LATERAL LOCATIONS: "S" FOR SEWER, "G" FOR GAS, "E" FOR ELECTRICAL; AND "W" FOR WATER.
 14. STATE LAW (SB3019) REQUIRES THE CONTRACTOR TO CONTACT UNDERGROUND SERVICE ALERT (USA) AND OBTAIN AN IDENTIFICATION NUMBER PRIOR TO THE ISSUANCE OF THE CITY'S ENCROACHMENT PERMIT. THE CONTRACTOR SHALL NOTIFY USA TWO FULL WORKING DAYS (48 HOURS MINIMUM) IN ADVANCE OF ANY CONSTRUCTION ACTIVITIES.
 15. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL OBTAIN A PERMIT TO WORK WITHIN THE PUBLIC RIGHT OF WAY, FROM THE CITY OF RIALTO DEVELOPMENT SERVICES DEPARTMENT.
 16. DRIVE APPROACH CENTERLINES SHALL BE STAKED WHEN SEWER LINES ARE STAKED.
 17. NO TRENCH BACKFILL SHALL TAKE PLACE WITHOUT PRIOR APPROVAL OF THE CITY'S INSPECTOR.
 18. STREET TRENCHING, BACKFILLING AND PAVEMENT REPAIRS SHALL BE IN ACCORDANCE WITH CITY OF RIALTO STANDARD DRAWING NO. 64.
 19. APPROVAL OF THESE PLANS BY THE CITY OR ITS AGENTS DOES NOT RELIEVE THE ENGINEER AND THE APPLICANT FROM THE RESPONSIBILITY FOR THE CORRECTION OF ERRORS OR OMISSIONS DISCOVERED DURING CONSTRUCTION. UPON REQUEST, THE APPROPRIATE PLAN REVISIONS SHALL BE PROMPTLY SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL.
 20. ALL NEW SANITARY SEWERS SHALL BE VIDEOTAPED, WITH TAPE SUPPLIED TO CITY ENGINEER, PRIOR TO CITY'S ACCEPTANCE OF ANY NEW SEWER.
 21. ALL SANITARY SEWER APPURTENANCES SHALL BE ABANDONED, RELOCATED AND/OR UPGRADED PER THE DIRECTION OF THE CITY INSPECTOR, PER CITY OF RIALTO STANDARDS, REGARDLESS IF SHOWN ON PLANS OR NOT.
- CITY OF RIALTO CONSTRUCTION INSPECTION HOURS 7:00A.M. TO 5:00P.M. - MONDAY THROUGH THURSDAY

PRIVATE ENGINEER'S NOTE TO CONTRACTOR:

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITY PIPES, CONDUITS, OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF THE AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS, OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY, AND HOLD THE CITY, THE OWNERS, AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

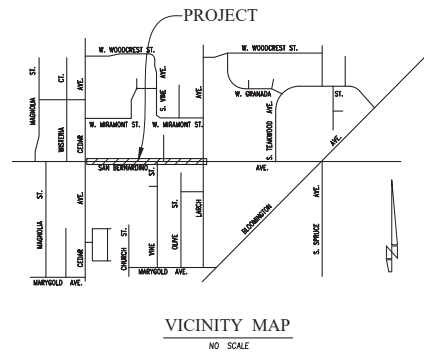
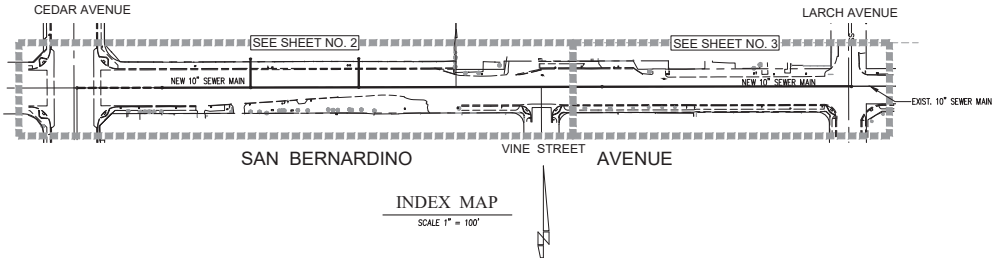
SEWER IMPROVEMENT PLAN

SAN BERNARDINO AVENUE

FROM CEDAR AVENUE TO LARCH AVENUE

BLOOMINGTON CALIFORNIA

SAN BERNARDINO COUNTY



CONSTRUCTION NOTES:

1. CONSTRUCT 10" P.V.C. SDR35 SEWER MAIN. 1270. L.F.
2. CONSTRUCT 8" P.V.C. SDR35 SEWER MAIN. 100. L.F.
3. NOT USED.
4. CONSTRUCT SEWER MANHOLE PER CITY OF RIALTO STD. 88-202-0. 3 EA.
5. CONSTRUCT SEWER CLEANOUT PER CITY OF RIALTO STD. 88-205-0. 1 EA.

UTILITIES:

- SEWER:
RIALTO WATER SERVICES (909) 820-2546
- WATER:
WEST VALLEY WATER DISTRICT (909) 875-1804
- ELECTRIC:
SOUTHERN CALIFORNIA EDISON (800) 855-4555
- GAS:
SOUTHERN CALIFORNIA GAS CO. (800) 427-2000
- TELEPHONE:
ATA1 (800) 288-2020
- CABLE:
SPECTRUM (855) 243-8892
- DISPOSAL:
BURRET DISPOSAL (909) 877-1596

BASIS OF BEARINGS:

THE CENTERLINE OF CEDAR AVENUE, PER TRACT NO. 12514, RECORDED IN BOOK 191 OF MAPS, AT PAGES 64-65, SAN BERNARDINO COUNTY RECORDS.
BEARING = N 00° 08' 45" W

BASIS OF ELEVATIONS:

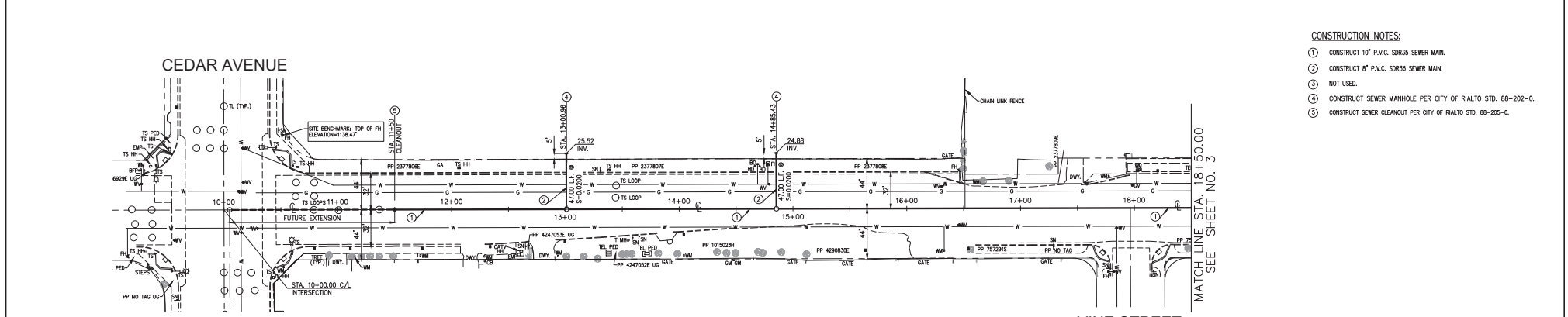
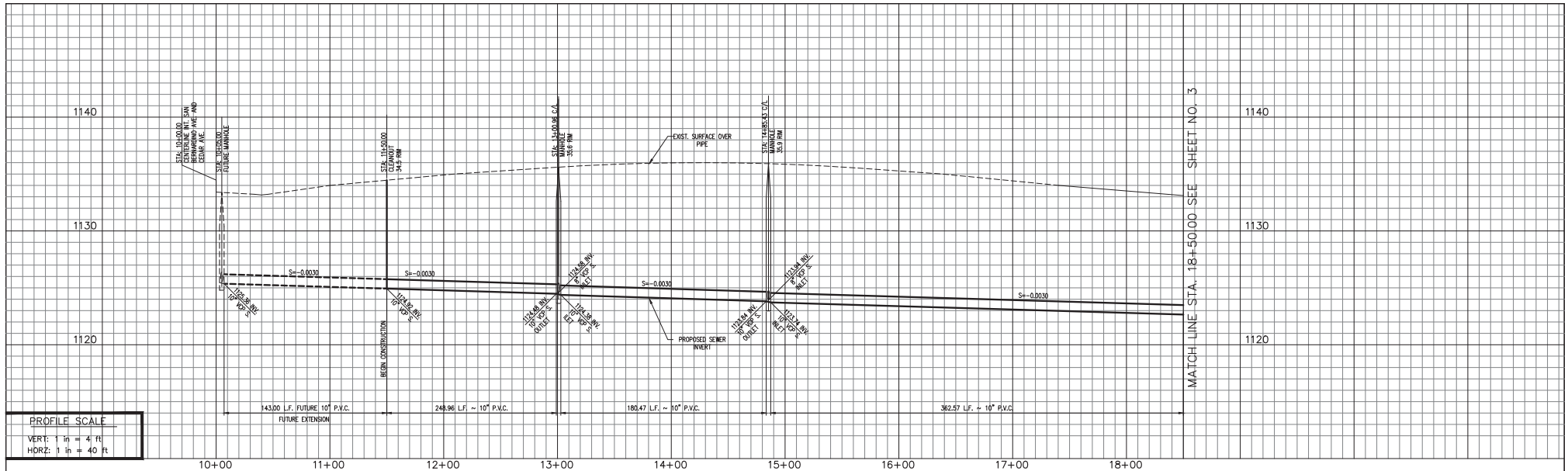
1" IRON PIPE TAGGED, "SAN BERNARDINO COUNTY SURVEYOR", FLUSH PER C.S.F.B. 4016/2043.
ELEVATION = 1144.624' CITY OF SAN BERNARDINO MONUMENT AS SHOWN IN SAN BERNARDINO FIELD SURVEY REPORT, FILED IN BOOK 4016, AT PAGE 2261.

SITE BENCHMARKS:

TOP OF FIRE HYDRANT IN SOUTHWEST CORNER OF SITE.
ELEVATION = 1138.47'

PRELIMINARY
NOT FOR CONSTRUCTION
APR. 11, 2024

| | | | | | | | | | |
|---|------------------------------------|---|------------|--|---|--|--|--|------------------|
| UNDERGROUND SERVICE ALERT TWO WORKING DAYS BEFORE YOU DIG | MARK | REVISIONS | APPR. DATE | | PREPARED UNDER THE SUPERVISION OF: DAVID B. RAGLAND, RCE 35085 DATE | CIVIL ENGINEERING, LAND SURVEYING AND BUILDING DESIGN 413 MADRAY DRIVE SAN BERNARDINO, CA. 92408 PH. (909) 384-7464 FAX (909) 384-7475 | BENCH MARK: B.M. No. N/A DESCRIPTION: TOP OF FH 65.7 FEET NORTH OF THE INTER. OF SAN BERNARDINO AVE. AND CEDAR AVE. ON THE NORTHEAST SIDE. ELEVATION= 1138.47' | CITY OF RIALTO SAN BERNARDINO AVENUE SEWER PLAN FROM CEDAR AVE. TO LARCH AVE. | 1 OF 3 SHEETS |
| | DESIGNED BY: DRAWN BY: CHECKED BY: | APPROVED BY: PUBLIC WORKS DIRECTOR/CITY ENGINEER DATE | FOR: | | PPD No. | | | | |

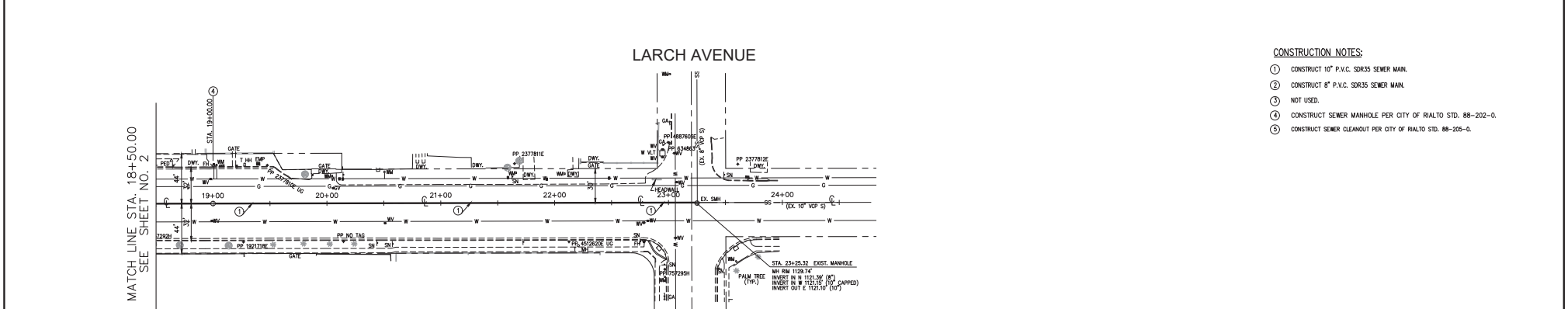


- CONSTRUCTION NOTES:**
1. CONSTRUCT 10" P.V.C. SDR35 SEWER MAIN.
 2. CONSTRUCT 8" P.V.C. SDR35 SEWER MAIN.
 3. NOT USED.
 4. CONSTRUCT SEWER MANHOLE PER CITY OF RIALTO STD. 86-202-0.
 5. CONSTRUCT SEWER CLEAOUT PER CITY OF RIALTO STD. 86-205-0.

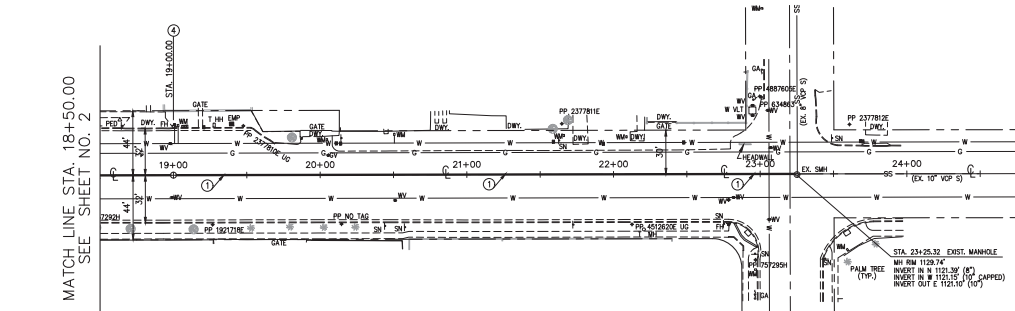
SAN BERNARDINO AVENUE

**PRELIMINARY
NOT FOR CONSTRUCTION
APR. 11, 2024**

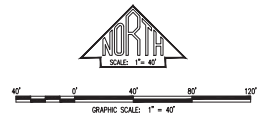
| | | | | | | | |
|---|---|--|--|---|---|--|------------------|
| UNDERGROUND SERVICE ALERT CALL-TOLL FREE 1-800-227-2800 TWO WORKING DAYS BEFORE YOU DIG | DESIGNED BY: _____ DRAWN BY: _____ CHECKED BY: _____ MARKS: _____ REVISIONS: _____ APPR. DATE: _____ | | PREPARED UNDER THE SUPERVISION OF: DAVID B. RAGLAND, RCE 35985 _____ DATE: _____ APPROVED BY: _____ DATE: _____ PUBLIC WORKS DIRECTOR/CITY ENGINEER | CIVIL ENGINEERING, LAND SURVEYING AND BUILDING DESIGN TRANSTECH 413 MACKAY DRIVE SAN BERNARDINO, CA. 92408 PH. (909) 384-7464 FAX. (909) 384-7475 | BENCH MARK: B.M. No. N/A ELEVATION=1134.87 DESCRIPTION: TOP OF FH 65.7 FEET NORTH OF THE INTER. OF SAN BERNARDINO AVE. AND CEDAR AVE. ON THE NORTHEAST SIDE. | CITY OF RIALTO SAN BERNARDINO AVENUE SEWER PLAN FROM CEDAR AVE. TO STA. 18+50.00 T06: _____ PPD No. _____ PLAN No. _____ | 2 OF 3 SHEETS |
| | SHEET NO. 3 | | | | | | |






- ① CONSTRUCT 10" P.V.C. SDR35 SEWER MAIN.
- ② CONSTRUCT 8" P.V.C. SDR35 SEWER MAIN.
- ③ NOT USED.
- ④ CONSTRUCT SEWER MANHOLE PER CITY OF RIALTO STD. 88-202-0.
- ⑤ CONSTRUCT SEWER CLEANOUT PER CITY OF RIALTO STD. 88-205-0.



SAN BERNARDINO AVENUE



**PRELIMINARY
NOT FOR CONSTRUCTION
APR. 11, 2024**

| | | | | | | | | |
|---|------|-----------|--|---|--|--|------------------|--|
| UNDERGROUND SERVICE ALERT  CALL-TOLL FREE 1-800 227-2860 | | | PREPARED UNDER THE SUPERVISION OF: DAVID B. RAGLAND, ROC 35985 _____ DATE _____ APPROVED BY: _____ DATE _____ PUBLIC WORKS DIRECTOR/CITY ENGINEER |  |  CIVIL ENGINEERING, LAND SURVEYING AND BUILDING DESIGN 413 MADKAY DRIVE, SAN BERNARDINO, CA. 92408 PH. (909) 384-7424 FAX (909) 384-7425. | <div>CITY OF RIALTO SAN BERNARDINO AVENUE SEWER PLAN FROM STA. 18+50.00 TO LARCH AVE. <div>PPD No. _____PLAN No. _____</div></div> | 3 OF 3 SHEETS | |
| PWD WORKING DAYS BEFORE YOU DIG | MARK | REVISIONS | APPR. DATE | | BENCH MARK: | B.M. No. N/A ELEVATION= 1138.47' | TOT: | |
| DESIGNED BY: _____ DRAWN BY: _____ CHECKED BY: _____ | | | | | DESCRIPTION: | TOP OF FH 65.7 FEET NORTH OF THE INTER. OF SAN BERNARDINO AVE. AND CEDAR AVE. ON THE NORTHEAST SIDE. | | |

EXTRATERRITORIAL WASTEWATER SERVICE

AGREEMENT BETWEEN THE CITY OF RIALTO AND SHORECLIFF CAPITAL, LLC

This **EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT** ("Agreement") is made and entered into this 14th day of June, 2023, between Shorecliff Capital, LLC, Property Owner ("Owner") and the City of Rialto, a California municipal corporation ("City") (each a "Party" and collectively the "Parties").

RECITALS

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

WHEREAS, the Owner has requested the City to provide Sewer Services to a property located within the City's sphere-of-influence, but outside of the City's existing corporate boundaries, and which is associated with Assessor's Parcel Numbers 0250-101-76-0000, located at the northeast corner of Cedar Avenue and San Bernardino Avenue, Bloomington, CA as identified on Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof (the "Property"); and

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

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

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

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

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

AGREEMENT

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

ARTICLE I. CONDITION PRECEDENT

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

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

ARTICLE II. RIGHTS AND OBLIGATIONS

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

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

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

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

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

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

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

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

ARTICLE III. WASTEWATER USER FEES

Section 3.01 Initial Special Service Availability Payment. In consideration of the City's agreements contained herein, Owner shall, promptly upon the Effective Date of this Agreement, pay to City a service connection fee for treatment, collections, and related fees in the amount of **\$119,645.85** in accordance with the adopted fee schedule, Resolution 6069, approved by the Rialto City Council/Rialto Utility Authority on December 27, 2011. Any additional fees related to plan check(s), inspection or not named in this Agreement shall be the responsibility of the Owner.

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

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

ARTICLE IV. MONITORING OF SERVICE AREA WASTEWATER

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

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

ARTICLE V. TERM

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

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

ARTICLE VI. MISCELLANEOUS

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

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

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

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

If to City: City of Rialto
 150 South Palm Avenue
 Rialto, CA 92376
 Attn: City Manager
 Tel: (909) 820-2528
 Fax: (909) 820-2527

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

If to Owner: Shorecliff Capital, LLC
 468 N. Camden Drive, Suite 300
 Beverly Hills, CA 90210
 Tel:
 Fax: Not Available

With copy to: N/A

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

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

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

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

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

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

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

[SIGNATURES ON NEXT PAGE]

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

CITY:

CITY OF RIALTO,
a Municipal Corporation

By: Arron Brown
Arron Brown, Acting City Manager

ATTEST:

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

APPROVED AS TO FORM:

BURKE, WILLIAMS & SORENSEN, LLP

By: Eric Vail
Eric Vail, City Attorney

Owner:

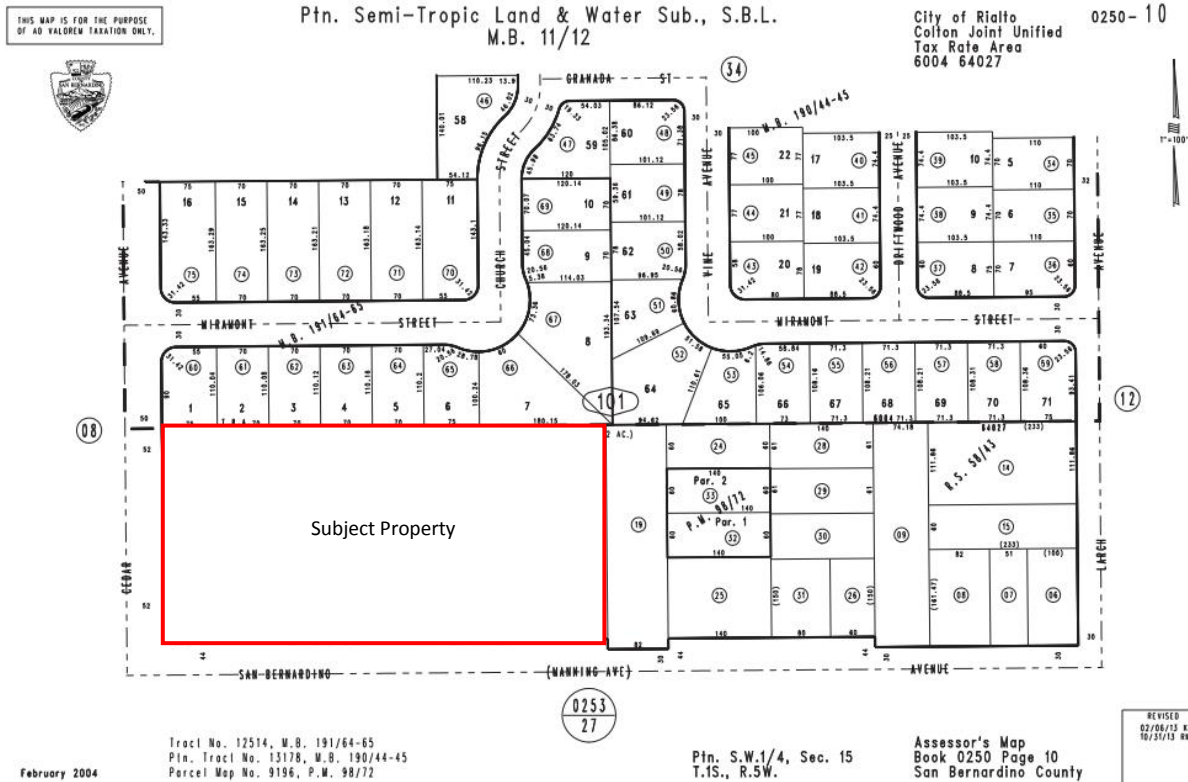
Shorecliff Capital, LLC

By: Joseph Daneshgar
JOSEPH DANESHGAR, MANAGER

EXHIBIT "A"
LEGAL DESCRIPTION

S T LAND W CO S B L PTN S 1/2 LOT 324 COM AT SE COR W 1/4 S 1/2 SD LOT TH E ALG S LI 299.94
FT TH N 318.34 FT TO N LI S 1/2 SD LOT TH W ALG SD N LI TO E LI W 1/4 S 1/2 SD LOT TH S 318.03
FT TO POB EX ST AND S T LAND W CO S B L W 1/2 SW 1/4 LOT 324 EX STS

EXHIBIT "B"





Conditions of Approval

| | | | |
|------------------------|--|--------------------------|---------------|
| Record: | PROJ-2022-00073 | System Date: | 02/16/2024 |
| Record Type: | Project Application | Primary APN: | 0250101760000 |
| Record Status: | In Review | Application Name: | CF- CUP / ZA |
| Effective Date: | | Expiration Date: | |
| Description: | A Zoning Amendment from RL-5, (Rural Living 5 acres minimum) to CG, (General Commercial, and (CUP) to allow the construction and operation of a convenience store, gas station, car wash, restaurant and commercial center in the unincorporated community of Bloomington. | | |

This document does not signify project approval.

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

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

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

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

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

ON-GOING

Land Use Services - Planning

- 1 Project Approval Description (CUP/MUP)** - Status: Outstanding
The Zoning Amendment and Conditional Use Permit, PROJ-2022-00073, is conditionally approved to establish A Zoning Amendment to CG, (General Commercial), and Conditional Use Permit (CUP) to allow the construction and operation of a convenience store, gas station, car wash, restaurant and commercial center in the unincorporated community of Bloomington, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the San Bernardino County Fire Code (SBCFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.
- 2 Project Location** - Status: Outstanding
The Project site is located on the northeast corner of Cedar Avenue and San Bernardino Avenue in the unincorporated area of Bloomington.

3 Revisions - Status: Outstanding

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

4 Indemnification - Status: Outstanding

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

5 Additional Permits - Status: Outstanding

The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but are not limited to: a. FEDERAL: b. STATE: c. COUNTY: d. LOCAL:

6 Expiration - Status: Outstanding

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

7 Continous Effect/Revocation - Status: Outstanding

All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.

8 Project Account - Status: Outstanding

The Project account number is PROJ-2022-00073. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

9 Development Impact Fees - Status: Outstanding

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

10 Performance Standards - Status: Outstanding

The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste

11 Continous Maintenance - Status: Outstanding

The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to: a) Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety. b) Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance. c) Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying. d) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided. e) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability. f) External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls. g) Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals. h) Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view. i) Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan. j) Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules. k) Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations. l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.

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

Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic

13 **Lighting** - Status: Outstanding

Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.

14 **Underground Utilities** - Status: Outstanding

No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128 and avoids disturbing any existing/natural vegetation or the site appearance.

15 **Construction Hours** - Status: Outstanding

Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.

16 **Cultural Resources** - Status: Outstanding

During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.

17 **GHG - Operational Standards** - Status: Outstanding

The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. The developer shall also provide to all tenants and require that the tenants shall display in their stores current transit route information for the project area in a visible and convenient location for employees and customers. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

Public Health– Environmental Health Services

18 **Noise Levels** - Status: Outstanding

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

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

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

Public Works - Traffic20 **Back Out Into Public Roadways** - Status: Outstanding

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

INFORMATIONAL**County Fire - Community Safety**21 **Access – 150+ feet** - Status: Outstanding

Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building.

22 **Additional Requirements** - Status: Outstanding

In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. 1. Plans show a Max building height of 35'. Standard A-1 states any building taller than 30' or greater than 3 stories, shall have access roads of 30' 2. Deferred submittal will be required for Sprinklers, underground fire water, alarms, hood suppression systems.

23 **Jurisdiction** - Status: Outstanding

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

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

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

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

This standard establishes minimum requirements for fire safety during construction and demolition. This document shall not be construed to be in lieu of any other applicable State or Federal law or regulation related to construction site safety. The general contractor or other designee of the building owner shall be responsible for compliance with these standards.

Land Use Services - Land Development26 **Additional Drainage Requirements** - Status: Outstanding

In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

27 BMP Enforcement - Status: Outstanding

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

28 Continuous BMP Maintenance - Status: Outstanding

The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved final Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.

29 Erosion Control Installation - Status: Outstanding

Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

30 Project Specific Conditions - Status: Outstanding

FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8659H dated 08/28/2008. No elevation requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

31 Project Specific Conditions - Status: Outstanding

NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics.
www.swrcb.ca.gov

32 Project Specific Conditions - Status: Outstanding

Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

33 Tributary Drainage - Status: Outstanding

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

Public Works - Solid Waste Management

34 Franchise Hauler Service Area - Status: Outstanding

This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec Waste and Recycling).

35 Mandatory Commercial Recycling - Status: Outstanding

California Assembly Bill (AB) 341 requires businesses that generate 4 or more cubic yards of solid waste per week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. Applicant will be required to report to the County or contract waste hauler on recycling efforts once operational.

36 **Mandatory Trash, Green Waste, and Recycling Service** - Status: Outstanding

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

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

The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of California Assembly Bill (AB) 2176.

PRIOR TO LAND DISTURBANCE

Land Use Services - Planning

38 **Air Quality** - Status: Outstanding

Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the South Coast Air Basin is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures: a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities. 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday. 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion. 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour. b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM10 levels in the area. Although the Project will not exceed South Coast Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements: 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel. 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

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

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

40 **Mitigation Measures** - Status: Outstanding

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

Land Use Services - Building and Safety

41 **Geotechnical Report** - Status: Outstanding

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

42 **Wall Plans** - Status: Outstanding

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

Land Use Services - Land Development

43 **Drainage Improvements** - Status: Outstanding

A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

44 **Grading Plans** - Status: Outstanding

Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the grading plans according to the approved final drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

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

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

46 **WQMP** - Status: Outstanding

A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained prior to construction. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. Review processed on an actual cost basis. Copies of the WQMP guidance and template can be found at: (<https://dpw.sbcounty.gov/wqmp-templates-and-forms/>)

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

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

Public Health– Environmental Health Services

48 **Vector Control Requirement** - Status: Outstanding

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

Public Works - Surveyor

49 **Corner Records Required Before Grading** - Status: Outstanding

Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances: a. Monuments set to mark property lines or corners; b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel; c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

50 **Monument Disturbed by Grading** - Status: Outstanding

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

PRIOR TO BUILDING PERMIT ISSUANCE

Land Use Services - Planning

51 **Mitigation Measures** - Status: Outstanding

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

52 Signs - Status: Outstanding

All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards: a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable. b. All sign lighting shall not exceed 0.5 foot-candle. c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety. d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

County Fire - Community Safety**53 Building Plans - Status: Outstanding**

Building plans shall be submitted to the Fire Department for review and approval.

54 Combustible Protection - Status: Outstanding

Prior to combustibles being placed on the project site an approved all-weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy.

55 Haz-Mat Approval - Status: Outstanding

The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8401 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

56 Primary Access Paved - Status: Outstanding

Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions, including width, vertical clearance and turnouts.

57 Secondary Access Paved - Status: Outstanding

Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions including width, vertical clearance and turnouts.

58 Surface - Status: Outstanding

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.

59 Water System - Status: Outstanding

Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code.

60 Water System Certification - Status: Outstanding

The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job site.

61 Water System Commercial - Status: Outstanding

A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred (300) feet from any portion of a structure.

Land Use Services - Building and Safety**62 Construction Plans - Status: Outstanding**

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

63 Temporary Use Permit - Status: Outstanding

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

Land Use Services - Land Development**64 Construction Permits - Status: Outstanding**

Prior to installation of road and drainage improvements, a construction permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

65 Encroachment Permits - Status: Outstanding

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

66 Regional Transportation Fee - Status: Outstanding

This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Rialto Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid to the Land Use Services Department. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$17.02 per square foot for Commercial Use, which includes the 5,200 square foot C-store with a 6,536 square foot canopy, a 1,458 square foot drive thru car wash, a 5,740 square foot "Building B", and an 15,350 square foot "Building A" as per the site plan dated 07/18/2023. Therefore, the estimated Regional Transportation Fees for the Project is \$583,513.68. The current Regional Transportation Development Mitigation Plan can be found at the following website: <https://www.sbcounty.gov/uploads/DPW/docs/Fee-Schedule-Regional-Plan.pdf>

67 Road Improvements - Status: Outstanding

The developer shall submit for review and obtain approval from the Land Use Services Department the following plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California: Cedar Avenue (Major Highway – 104 feet): •Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130. San Bernardino Avenue (Secondary Highway – 88 feet): •Sidewalks. Design sidewalks per County Standard 109 Type "C". •Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.

- 68 **Road Standards and Design** - Status: Outstanding
All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
- 69 **Slope Easements** - Status: Outstanding
Slope rights shall be dedicated where necessary.
- 70 **Slope Tests** - Status: Outstanding
Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
- 71 **Soils Testing** - Status: Outstanding
Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to the County and a written report shall be submitted to the Permits/Operations Support Division, Transportation Permits Section of the County Department of Public Works prior to any placement of base materials and/or paving.
- 72 **Street Gradients** - Status: Outstanding
Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of the County Department of Public Works confirming the adequacy of the grade.
- 73 **Street Type Entrance** - Status: Outstanding
Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
- 74 **Transitional Improvements** - Status: Outstanding
Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.
- 75 **Utilities.** - Status: Outstanding
Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.

Public Health– Environmental Health Services

- 76 **Existing Wells** - Status: Outstanding
If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence, such as a well certification, shall be submitted to EHS for approval.
- 77 **Food Establishment Plan Check Required** - Status: Outstanding
Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS Plan Check at: (800) 442-2283.

78 Preliminary Acoustical Information - Status: Outstanding

Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the EHS for review and approval. For information and acoustical checklist, contact EHS at (800) 442-2283.

79 Sewage Disposal - Status: Outstanding

Method of sewage disposal shall be sewer service provided by City of Rialto or EHS approved.

80 Sewer Service Verification Letter - Status: Outstanding

Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).

81 Water and Sewer - LAFCO - Status: Outstanding

Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to EHS verification of Local Agency Formation Commission (LAFCO) approval of either: 1. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or, 2. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133.

82 Water Purveyor - Status: Outstanding

Water purveyor shall be West Valley WD or EHS approved.

83 Water Service Verification Letter - Status: Outstanding

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

Public Works - Solid Waste Management

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

The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>. An approved CDWMP Part 1 is required before a permit can be issued. There is a one-time fee of \$150.00 for residential projects/\$530.00 for commercial/non-residential projects

Public Works - Traffic

85 Requirement Prior to Issuance - Status: Outstanding

City of Rialto: Street improvement plans shall be submitted and approved by the City of Rialto for any improvements within their jurisdiction.

Land Use Services - Building and Safety

- 95 **Condition Compliance Release Form Sign-off** - Status: Outstanding
Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

Land Use Services - Land Development

- 96 **Drainage Improvements** - Status: Outstanding
All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.
- 97 **WQMP Improvements** - Status: Outstanding
All required WQMP improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works. An electronic file of the approved final WQMP shall be submitted to Land Development Division, Drainage Section.
- 98 **LDD Requirements** - Status: Outstanding
All LDD requirements shall be completed by the applicant prior to occupancy.
- 99 **Road Improvements** - Status: Outstanding
All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.
- 100 **Structural Section Testing** - Status: Outstanding
A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

Public Health– Environmental Health Services

- 101 **New Retail Food Facility Permit** - Status: Outstanding
A Retail Food Facility annual permit for food facility shall be required. For information, contact EHS at: (800) 442-2283.

Public Works - Solid Waste Management

- 102 **Construction Waste Management Plan (CDWMP) Part 2** - Status: Outstanding
The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste. The developer MUST provide ALL receipts and/or backup documentation for actual disposal/diversion of project waste. More information can be found on the San Bernardino County Solid Waste Management Division (SWMD) website at <https://dpw.sbcounty.gov/solid-waste-management/construction-waste-management/>.

Public Works - Traffic

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

PRIOR TO RECORDATION

County Fire - Community Safety

104 **Access** - Status: Outstanding

The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. b. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

PRIOR TO FINAL INSPECTION

County Fire - Community Safety

105 **Combustible Vegetation** - Status: Outstanding

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

106 **Commercial Addressing** - Status: Outstanding

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

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

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

108 **Fire Extinguishers** - Status: Outstanding

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

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

An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.

110 **Hydrant Marking** - Status: Outstanding

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

111 **Key Box** - Status: Outstanding

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

112 **Street Sign** - Status: Outstanding

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



County of San Bernardino Special Districts

113 **Streetlighting - District** - Status: Outstanding

This project lies within the district boundary of County Service area 70, Zone SL-1. Due to your projected use of the property, street lighting may be required. If required, please provide the street lighting plans, plan check fees, and (3) three-year advanced energy charges to the Special Districts Department for review and approval. Development plans are to be submitted to the Special Districts Department at 222 W. Hospitality Lane, 2nd Floor, San Bernardino, CA 92415-0450. For additional information on street light plans, please call Streetlighting Section at (909) 386-8821.

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

| Department/Agency | Office/Division | Phone Number |
|-------------------------|---|----------------|
| Land Use Services Dept. | San Bernardino Govt. Center | (909) 387-8311 |
| (All Divisions) | High Desert Govt. Center | (760) 995-8140 |
| Web Site | https://lus.sbcounty.gov/ | |
| County Fire | San Bernardino Govt. Center | (909) 387-8400 |
| (Community Safety) | High Desert Govt. Center | (760) 995-8190 |
| Web Site | https://www.sbcfire.org/ | |
| County Fire | Hazardous Materials | (909) 386-8401 |
| | Flood Control | (909) 387-7995 |
| Dept. of Public Works | Solid Waste Management | (909) 386-8701 |
| | Surveyor | (909) 387-8149 |
| | Traffic | (909) 387-8186 |

| | | |
|--|---|--|
| Web Site | https://dpw.sbcounty.gov/ | |
| Dept. of Public Health | Environmental Health Services | (800) 442-2283 |
| Web Site | https://dph.sbcounty.gov/programs/ehs/ | |
| Local Agency Formation Commission (LAFCO) | | (909) 388-0480 |
| Web Site | http://www.sbclafco.org/ | |
| | Water and Sanitation | (760) 955-9885 |
| | Administration, | |
| | Park and Recreation, | |
| Special Districts | Roads, Streetlights, | (909) 386-8800 |
| | Television Districts, and Other | |
| <i>External Agencies (Caltrans, U.S. Army, etc.)</i> | | <i>See condition text for contact information...</i> |

TOM DODSON & ASSOCIATES

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

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

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



September 3, 2024

Mr. Samuel Martinez
Executive Officer
Local Agency Formation Commission
1601 E. 3rd Street, Suite 102
San Bernardino, CA 92415-0490

Dear Sam:

LAFCO SC#529 consists of an application for Extension of Service by the City of Rialto to a single 3.97-acre parcel located in the City's southwestern Sphere of Influence (Sphere). The specific action before the Local Agency Formation Commission (LAFCO or Commission) consists of a request by the City of Rialto (City) to extend sewer collection and wastewater treatment service to a proposed commercial development on a parcel of land (APN 0250-101-76) located on the northeast corner of Cedar Avenue and San Bernardino Avenue within the City's Sphere. If the Commission approves LAFCO SC#529, the project can move forward with development of a commercial center under San Bernardino County jurisdiction, and connect to the City's sewer collection system, which is located about 900+ linear feet east of the existing City sewer main located at the intersection of Larch and San Bernardino Avenues.

The County prepared an Initial Study and adopted a Mitigated Negative Declaration (MND) for this project to comply with the California Environmental Quality Act (CEQA). This document addressed the whole of the project as it was defined in 2023, which resulted in a Conditional Use Permit being approved in July 2024. Based on a field review of the project site, the surrounding environment has not changed in a manner that would result in greater environmental impacts from implementing the proposed project. The connection of the project to the City's sewer system was addressed as part of the overall project evaluated in the Initial Study. The Notice of Determination was filed on July 26, 2024 and it has just completed the 30-day statute of limitations for legal challenge without a challenge.

LAFCO Staff concurs with this decision and supports the connection of the commercial development to the City's sewer collection and treatment systems. The Initial Study concluded that implementation of the proposed project, including the out-of-area service agreement, would not result in significant adverse impacts to the environment and brought forward several project specific mitigation measures for implementation. None of these measures is the responsibility of the Commission. Therefore, I am recommending that the Commission consider the adopted Initial Study/Mitigated Negative Declaration (IS/MND) as a CEQA Responsible Agency and as the appropriate CEQA environmental determination for LAFCO SC#529.

Thus, after independent review of this proposed action, this proposed out-of-area service extension does not appear to have any potential to significantly alter the existing physical environment. Since no other project is known to be pending or will occur as a result of approving this application, no other potential significant physical changes in the environment are forecast to result from this action. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#529, acting as a CEQA Responsible Agency:

1. Indicate that the Commission Staff and environmental consultant have independently reviewed the County's IS/MND and found it adequate for the proposal contained in LAFCO SC#529.
2. The Commission needs to indicate that it has considered the IS/MND and environmental effects, prior to reaching a decision on the project and finds the information substantiating the MND adequate for approval of the out-of-area service extension proposal contained in LAFCO SC#529.
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 County to implement.
4. File a new Notice of Determination with the County Clerk of the Board acting as a CEQA Responsible Agency.

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

Sincerely,

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

Tom Dodson

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

From:

Public Agency: San Bernardino County
 Address: 385 North Arrowhead Avenue, First
 Floor, San Bernardino, CA 92415-0187
 Contact: Elena Barragan
 Phone: 909-387-4422

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

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): _____

Project Title: Bloomington Commercial Center

Project Applicant: Shore Cliff LLC

Project Location (include county): N/E corner, Cedar Avenue and San Bernardino Avenue, San Bernardino

Project Description:

A Zoning Amendment from Rural Living 5-acre Minimum Lot Area (RL-5) to General Commercial (CG) and a Conditional Use Permit for a commercial retail plaza consisting of a gas station with a 5,200 square foot convenience store and a 1,485 square foot car wash, a 5,740 square foot restaurant and a two-story 15,350 square foot multi tenant commercial building, located at the Northeast corner of Cedar Avenue and San Bernardino Avenue in Bloomington. +

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

described project on 07/23/2024 and has made the following determinations regarding the above
 (date)
 described project.

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

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0187

Signature (Public Agency): Elena Barragan Title: Planner

Date: 07/23/2024 Date Received for filing at OPR: _____

2024 JUL 26 AM 8:41
 SAN BERNARDINO COUNTY
 CLERK OF THE
 BOARD OF SUPERVISORS
 CALIFORNIA

**SAN BERNARDINO COUNTY
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
ENVIRONMENTAL CHECKLIST FORM**

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

PROJECT LABEL:

| | | | |
|--------------------|--|-----------------------|---|
| APNs: | 0250-101- 76 | USGS Quad: | Fontana 7.5-Minute |
| Applicant: | Shorecliff Capital LLC | T, R, Section: | T1S R5W Sec. 15 |
| Location | Northeast corner of Cedar Ave & San Bernardino Ave | Thomas Bros | Page 605, Grid E7, San Bernardino and Riverside Counties (2013) |
| Project No: | PROJ- 2022-00073 | Community | Community of Bloomington |
| Rep | Transtech | LUC: Zone: | Commercial (C) Bloomington/Rural Living (BL/RL-5) |
| Proposal: | A Zone Change from Rural Living (RL-5) to General Commercial (CG) Zoning District, a Tentative Parcel Map to divide the lot into two parcels, and a Conditional Use Permit to allow for the construction and operation of a commercial center, consisting of a convenience store, gas station, car wash and restaurant on a 3.97 acre lot. | Overlays: | Burrowing Owl (SE), Flood Zone X, Regional Fee Areas |

PROJECT CONTACT INFORMATION:

Lead agency: San Bernardino County
Land Use Services Department
385 N. Arrowhead Avenue, 1st Floor
San Bernardino, CA 92415-0182

Contact person: Elena Barragan, Senior Planner
Phone No: (909) 387-4422 **Fax No:** (909) 387-3223
E-mail: Elena.barragan@lus.sbcounty.gov

PROJECT DESCRIPTION:

Summary

Shorecliff Capital, LLC, the applicant, has submitted for a Zoning Amendment from Rural Living, five acre minimum to General Commercial (CG), Tentative Parcel Map to create a 1.68 acre parcel and a 2.29 acre parcel, and a Conditional Use Permit (CUP) to allow the construction and operation of a convenience store, gas station, car wash, restaurant, and Commercial Center in the unincorporated community of Bloomington. The currently vacant property is located at the signalized intersection of Cedar & San Bernardino Avenues. The surrounding area is a variety of new and dated residential developments with scattered vacant lots.

The proposed commercial center consists of a 5,200 square foot convenience store with an attached 1, 458 square foot fully automated car wash, a fuel canopy with 10 fuel pumps (20 fueling positions) is located on the western 1.68 acres of the 3.97-acre parcel. The 5,740 square foot drive-thru restaurant and a two-story 15,350 square-foot retail/office is proposed on the remaining 2.29 acres (see Figure 1, Site Plan)

Adjacent roadways are fully improved, but frontage improvements, such as sidewalks, along San Bernardino are anticipated. The applicant is requesting the use of detached or partially detached sidewalks along San Bernardino to allow the overhead electrical lines and poles to remain in place, similar to a recent project at Santa Ana & Cedar. Sewer to serve this site will be extended approximately 800 liner feet (to the east) and connect to an existing sewer main located in Larch Avenue within the City of Rialto. A service annexation agreement will be required to connect to the City's sewer system. Domestic water to be provided by West Valley Water District is currently available to the site. The Project Site is not near any San Bernardino County Flood Control District (SBCFCD) right-of-way / facilities.

Surrounding Land Uses and Setting

The Project Site is within the boundaries of the unincorporated Community of Bloomington, San Bernardino County. The community of Bloomington is an environmental justice community and is considered a sensitive environment as identified in the Countywide Plan. The following table lists the existing adjacent land uses and zoning.

| Existing Land Use and Land Use Category | | | |
|--|---|-------------------------------|--|
| Location | Existing Land Use | Land Use Category | Zoning |
| Project Site | Undeveloped and single-family residential | Commercial | Rural Living (RL-5) |
| North | Single-Family Residential | City of Rialto | City of Rialto: Single Family Residential (R1-D) |
| South | Single-Family Residential | Low Density Residential (LDR) | Single Residential (RS) |
| East | Single-Family Residential | Low Density Residential (LDR) | Single Residential (/RS) |
| West | Single-Family Residential | Low Density Residential (LDR) | Single Residential (RS-10M) |

The nearest sensitive receptors to the Proposed Project are single-family residences located to the north and east.

Project Site Location, Existing Site Land Uses and Conditions

The predominantly vacant Project Site is located approximately 0.64 miles north of Interstate 10 (I-10) in the unincorporated community of Bloomington and within the City of Rialto's Sphere of Influence. The approximately 3.97 acre site is located on the northeast corner of the intersection of Cedar Avenue and San Bernardino.

ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

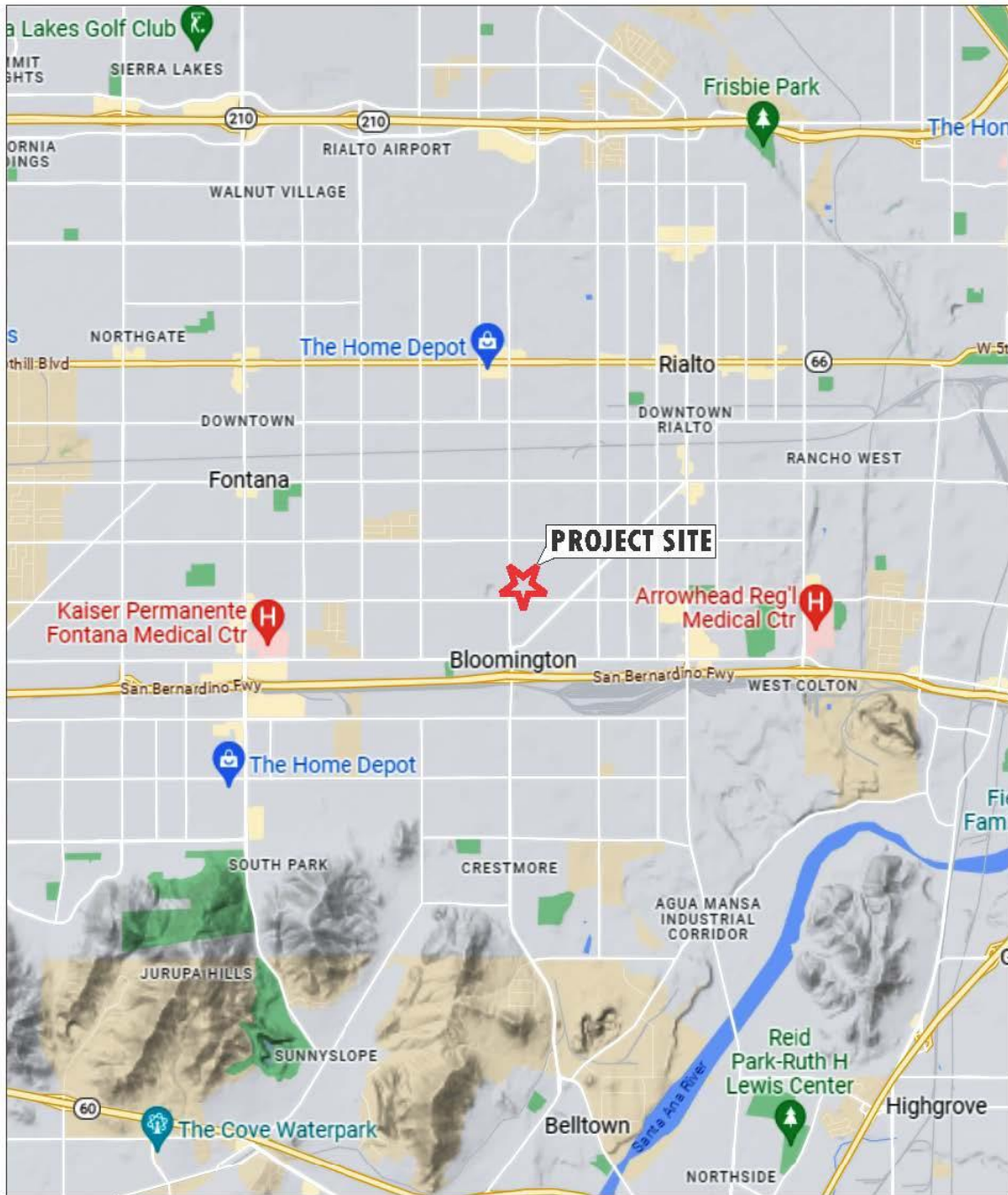
Federal: None.

State of California: None.

County of San Bernardino: Land Use Services Department-Building and Safety, Public Health-Environmental Health Services, Special Districts, San Bernardino County Fire Department Hazardous/Materials Division, San Bernardino County Fire Department, and Public Works.

Regional: South Coast Air Quality Management District.

Local: City of Rialto, Sewer Service Annexation Agreement



REGIONAL LOCATION

Convenience Store, Gas Station, Car Wash and Restaurant Commercial Center
 San Bernardino Avenue, Bloomington, California

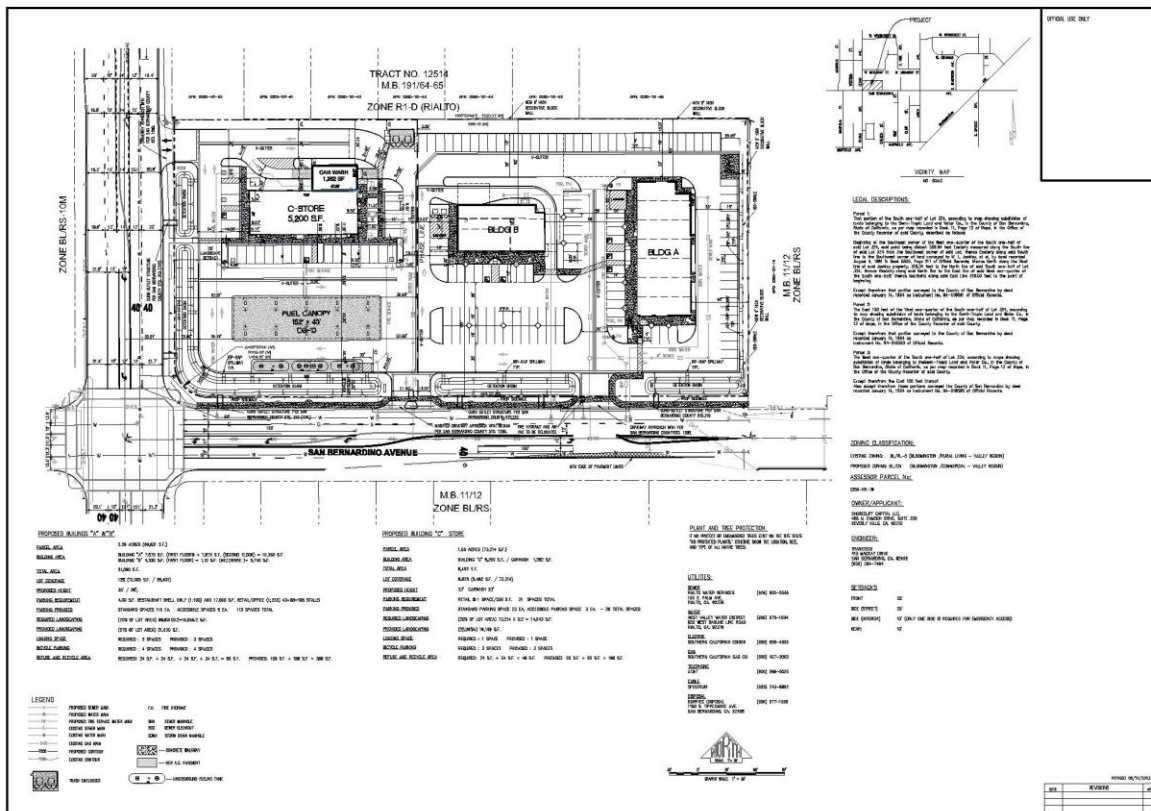
FIGURE 1





PROJECT VICINITY
Convenience Store, Gas Station, Car Wash and Restaurant Commercial Center
San Bernardino Avenue, Bloomington, California

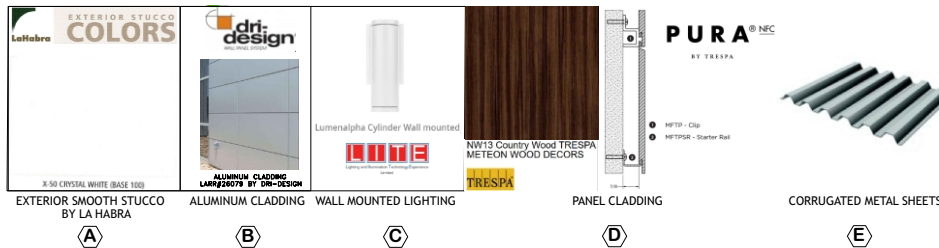
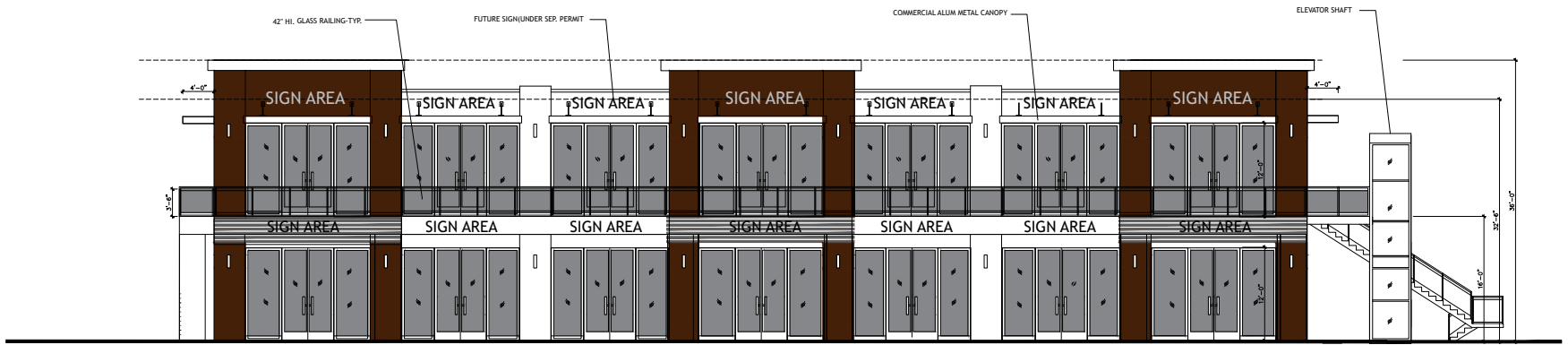
FIGURE 2



SITE PLAN

Convenience Store, Gas Station, Car Wash and Restaurant Commercial Center
San Bernardino Avenue, Bloomington, California

FIGURE 3



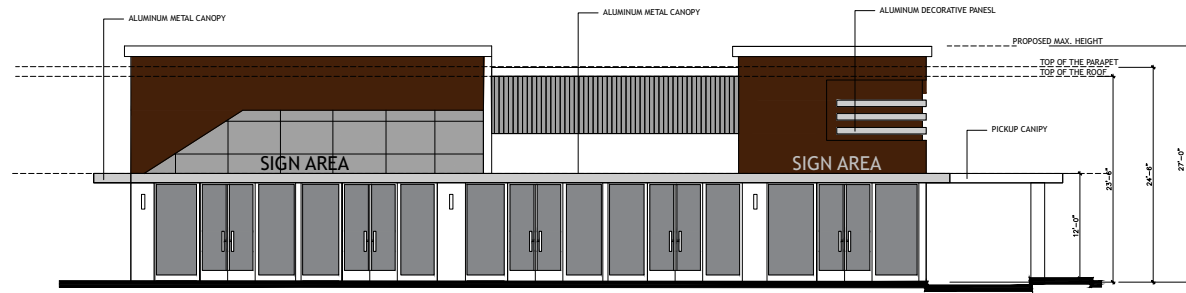
1 WEST ELEVATION (BLD'G A)
SC: 3/16"=1'-0"

1 ELEVATIONS (BLD'G A)
SC: 3/16"=1'-0"

| <p>TWO NEW COMMERCIAL BUILDING 'A' AND 'B'</p> <p>PROJECT ADDRESS: N.E. CORNER OF CEDAR AND SAN BERNARDINO AVE. BLOOMINGTON, SAN BERNARDINO COUNTY, CA 92316</p> <p>DEVELOPER: SHORECLIFF CAPITAL LLC 468 N CAMDEN DRIVE, SUITE 300, BEVERLY HILLS, CA 90210</p> | | <p>CONFORMITY STATEMENT</p> <p>THE USE OF THESE DRAWINGS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE ADDRESS WHERE THEY WERE PREPARED FOR AND PERMITTED BY THE BUILDING OFFICIAL AND EXPRESSLY LIMITED TO THE PROJECTS AND THE SPECIFICATIONS BELONG TO THE ARCHITECT OF THE RECORD. REUSE, REPRODUCTIONS OR PRODUCTIONS BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED UNDER THE U.S. ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT AND 16 U.S. FEDERAL RESERVE ACT. 16 U.S. FEDERAL RESERVE ACT. 16 U.S. FEDERAL RESERVE ACT.</p> | <p>REVISIONS</p> <table><thead><tr><th>NO.</th><th>DESCRIPTION</th><th>BY</th><th>DATE</th></tr></thead><tbody><tr><td>1</td><td></td><td></td><td></td></tr><tr><td>2</td><td></td><td></td><td></td></tr><tr><td>3</td><td></td><td></td><td></td></tr><tr><td>4</td><td></td><td></td><td></td></tr><tr><td>5</td><td></td><td></td><td></td></tr><tr><td>6</td><td></td><td></td><td></td></tr><tr><td>7</td><td></td><td></td><td></td></tr><tr><td>8</td><td></td><td></td><td></td></tr><tr><td>9</td><td></td><td></td><td></td></tr><tr><td>10</td><td></td><td></td><td></td></tr></tbody></table> | NO. | DESCRIPTION | BY | DATE | 1 | | | | 2 | | | | 3 | | | | 4 | | | | 5 | | | | 6 | | | | 7 | | | | 8 | | | | 9 | | | | 10 | | | | <div><div></div><div><p>DESIGNED BY: BABAK BARDI CHAHARMANALI</p><p>CHECKED BY: BABAK BARDI CHAHARMANALI</p><p>DRAWN BY: E. SANJODI L. HESSEH</p><p>DATE DRAWN: 8/8/22</p><p>JOB NUMBER: CDD-2214</p></div></div> | <div><div></div><div><p>CALIFORNIA DEVELOPMENT & DESIGN INC.</p><p>PRINCIPAL: BABAK BARDI CHAHARMANALI, AIA (REGISTERED ARCHITECT) CALIFORNIA: 11000 SANTA MONICA BLVD., SUITE 100, LOS ANGELES, CA 90025 TEL: 310-430-3569 FAX: 310-427-7446 EMAIL: INFO@CDDARCH.COM WWW.CDDARCH.COM</p></div></div> | <p>ELEVATIONS</p> <p>SHEET TITLE:</p> | <p>A3.1A</p> <p>SHEET NO.</p> |
|--|-------------|---|--|-----|-------------|----|------|---|--|--|--|---|--|--|--|---|--|--|--|---|--|--|--|---|--|--|--|---|--|--|--|---|--|--|--|---|--|--|--|---|--|--|--|----|--|--|--|---|---|---------------------------------------|-------------------------------|
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ELEVATIONS-COMMERCIAL CENTER ELEVATION

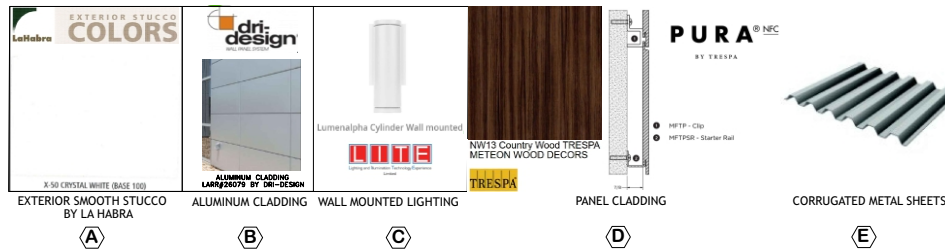
Convenience Store, Gas Station, Car Wash and Restaurant Commercial Center
San Bernardino Avenue, Bloomington, California



1

SOUTH ELEVATION (BLD'G B)

SC: 3/16"=1'-0"



| | |
|--|---|
| <p>TWO NEW COMMERCIAL BUILDING 'A' AND 'B'</p> <p>PROJECT ADDRESS: N.E. CORNER OF CEDAR AND SAN BERNARDINO AVE. BLOOMINGTON, SAN BERNARDINO COUNTY, CA 92316</p> <p>DEVELOPER: SHORECLIFF CAPITAL LLC 468 N CAMDEN DRIVE, SUITE 300, BEVERLY HILLS, CA 90210</p> | <p>CONFORMITY STATEMENT</p> <p>THE USE OF THESE DIMENSIONS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE ADDRESS BY THE BUILDING OFFICIALS AND OTHERWISE LIMITED TO THIS PROJECT. SCALE OF WORK: THE CONFORMITY OF THE DRAWINGS AND THE SPECIFICATIONS BELONG TO THE ARCHITECT OF THE RECORD. REUSE, REPRODUCTION OR PRODUCTION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED UNDER THE US ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT, PUBLIC LAW 94-553, 17 USC 1131, 1132, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 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|--|---|



30 Executive Park
Suite 100
Irvine, CA 92614
t: 949 296 0450

CIRCLE K STORES INC.
255 E. Rincon St. Ste 100
Corona, California 92879
t: (866) 371-2205

LAND DEVELOPMENT CONSULTANTS, LLC
3281 E. Guasti Rd. Suite #700
Ontario, California 91761
t: (909) 974-9422

CIRCLE K
CEDAR AVE & SAN BERNARDINO AVE
BLOOMINGTON, SAN BERNARDINO COUNTY, CA
20190407.0

EXTERIOR ELEVATIONS - 5200 W/CW ATTACHED
SCALE: AS NOTED
A-2

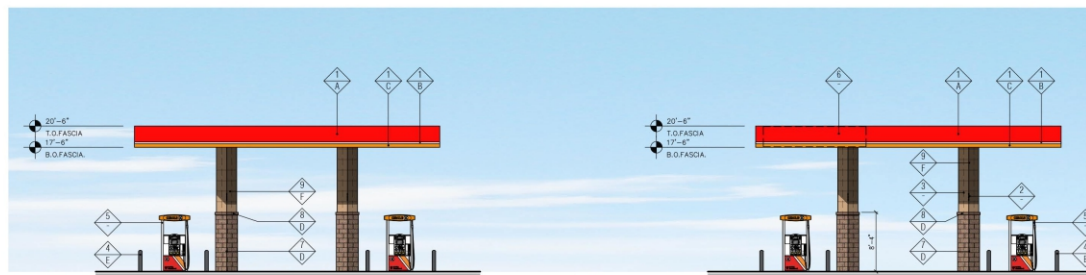
3/23/2022

ELEVATIONS-CONVENIENCE STORE

Convenience Store, Gas Station, Car Wash and Restaurant Commercial Center
San Bernardino Avenue, Bloomington, California

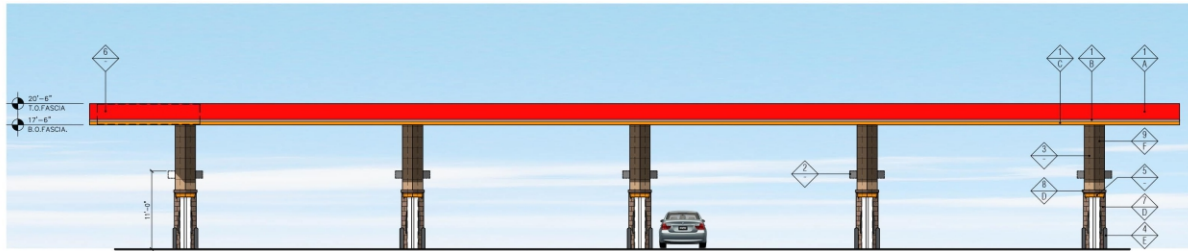
LILBURN
CORPORATION

FIGURE 6

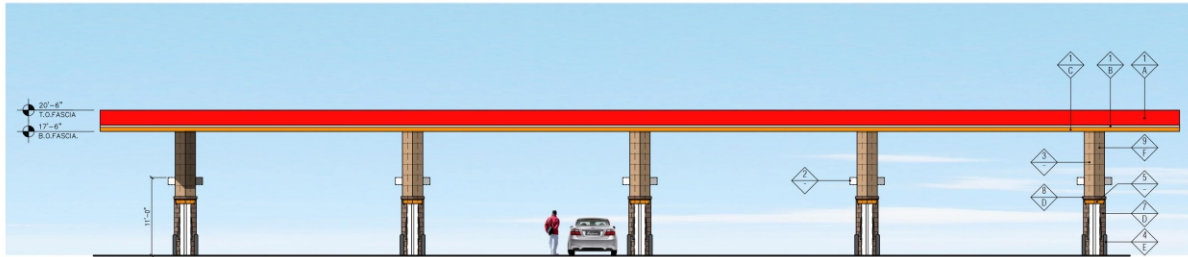


3 "SIDE" ELEVATION (EAST)
SCALE: 1/8" = 1'-0"

4 "SIDE" ELEVATION (WEST)
SCALE: 1/8" = 1'-0"



2 "FRONT" ELEVATION (SOUTH)
SCALE: 1/8" = 1'-0"



1 "REAR" ELEVATION (NORTH)
SCALE: 1/8" = 1'-0"

FINISH SCHEDULE

| FINISH MATERIAL | |
|-----------------|--|
| 1 | ACM PANEL |
| 2 | COLUMN FLAGS BY SIGNAGE VENDOR |
| 3 | LINE OF STEEL COLUMN WITHIN |
| 4 | 6" Ø BOLLARD, 36" HIGH |
| 5 | FUEL PUMP |
| 6 | POTENTIAL SIGN LOCATION (UNDER SEPARATE PERMIT) |
| 7 | 480X18 CMU VENEER, SPLIT FACE, GROUTED TO MATCH CMU COLOR |
| 8 | 480X18 CMU CAP, INSTALL PER MFR. SPECS |
| 9 | NICHHA FIBER CEMENT WALL PANEL SYSTEM |
| FINISH COLOR | |
| A | CIRCLE K RED #PMS 485 |
| B | CIRCLE K WHITE |
| C | CIRCLE K ORANGE #PMS 144 |
| D | SUPERLITE BLOCK SPLITFACE CMU - "BOSS BROWN" |
| E | PVC BOLLARD SLEEVE "DARK GRAY" |
| F | NICHHA TUFF BLOCK - COLOR TO MATCH SHERWIN WILLIAMS - SW6115 - TOTALLY TAN |

Notes:
1. Colors shown on these elevations are for illustration purposes only. For actual colors, refer to manufacturer's samples.
2. The finish panels are pre-finished by signage vendor.
3. All signs require a separate submittal.
4. All lighting on canopy to be flush mounted with fascia.

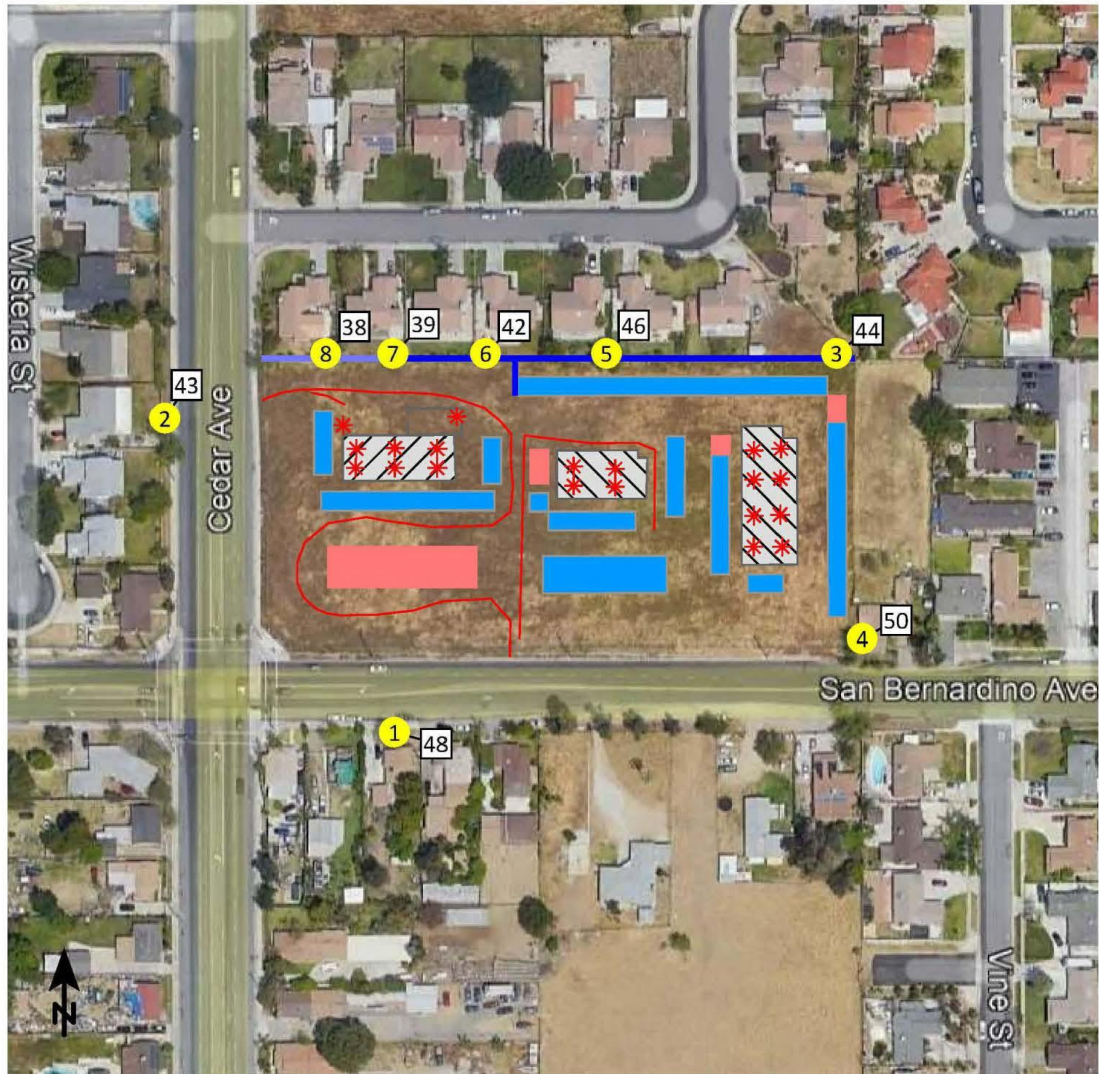


CIRCLE K
CEDAR AVE & SAN BERNARDINO AVE
BLOOMINGTON, SAN BERNARDINO COUNTY, CA
20190407.0

FUEL CANOPY EXTERIOR ELEVATIONS - DS10
SCALE: AS NOTED

A-4

3/23/2022



Signs and symbols

- Existing 8 Ft CMU Wall
- New 8-FT CMU Wall
- Proposed Buildings
- Receiver
- ★ Point source (HVAC)
- Line Source (Queue)
- Area source (Loading, Fueling Area)
- Parking lot

An eight foot concrete barrier shall be constructed extending from the existing 8 foot concrete barrier to the northeastern property line and along the eastern side of the proposed trash area (as shown in this figure) in order to keep from exceeding daytime noise standards. Nighttime noise standards will be achieved by limiting operation of the car wash and vacuum to daytime hours only.

SENSITIVE RECEPTORS

Convenience Store, Gas Station, Car Wash and Restaurant Commercial Center
 San Bernardino Avenue, Bloomington, California

FIGURE 8

CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES

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

On March 7, 2023, San Bernardino County mailed notification pursuant to AB52 to the following tribes: San Gabriel Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians, Morongo Band of Mission Indians, Yuhaaviatam of San Manuel Nation and Gabrieleno Band of Mission Indians - Kizh Nation. Requests for consultations were due to the County by April 31, 2023. The table below shows a summary of comments and responses.

AB 52 Consultation

| Tribe | Comment Letter Received | Summary of Response | Conclusion |
|---|--------------------------------|----------------------------|--|
| San Gabriel Band of Mission Indians | NO | | |
| Twenty-Nine Palms Band of Mission Indians | NO | | |
| Gabrieleno Band of Mission Indians - Kizh Nation | YES | NO CONSULTATION REQUESTED | STANDARD MITIGATION PROVIDED AND INCORPORATED INTO THIS DOCUMENT |
| Morongo Band of Mission Indians | NO | | |
| Yuhaaviatam of San Manuel Nation | NO | | |

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

EVALUATION FORMAT

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

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

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

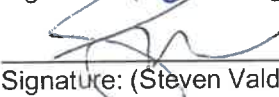
The environmental factors checked below will be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

DETERMINATION: Based on this initial evaluation, the following finding is made:

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


 Signature: (Eleria Baragan, Senior Planner)


 Signature: (Steven Valdez, Planning Manager)

12/14/2023
 Date

12/14/2023
 Date

| Issues | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant | No Impact |
|--|--------------------------------------|--|--------------------------|--------------|
| I. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project: | | | | |

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) | Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

San Bernardino Countywide Plan, approved October 27, 2020, adopted November 27; San Bernardino Countywide Plan Draft EIR; San Bernardino County Development Code

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

The Project Site is located within the City of Rialto's Sphere of Influence, in the unincorporated Community of Bloomington, San Bernardino County. It is surrounded by single-family residences to the east, west, north and south. The Countywide Plan (adopted November 27, 2020) does not identify a scenic vista within the vicinity of the Project Site.¹ The Project Site has a land use category of Commercial and is zoned Rural Living (RL-5). With approval of the Zone Change from Rural Living (RL-5) to a General Commercial (CG) Zoning District, and issuance of a CUP, the Proposed Project would be an allowable use. The Proposed Project would be required to maintain the

¹ San Bernardino Countywide Plan. Adopted November 27, 2020. http://countywideplan.com/wp-content/uploads/2020/08/CWP_PolicyPlan_PubHrngDraft_HardCopy_2020_July.pdf. Accessed December 17, 2020.

maximum height limit of 35 feet.² The Proposed Project will have maximum building and gas station canopy height of 23 feet (see Figure 4 – Elevations – Convenience Store and Figure 5 – Elevations – Gas Station). Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The currently vacant Project site is located on the northeast corner of Cedar Avenue and San Bernardino Avenue. These roads are neither designated State scenic routes nor County Scenic Routes.³ The closest Scenic Highway is Route 38, located approximately 12 miles east of the Project Site. With approval of the Zone Change, Conditional Use Permit (CUP), and Tentative Parcel Map the Project would be consistent with the General Commercial (CG) zoning district standards. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

In the CG Zone, structures of the Proposed Project cannot exceed 35 feet in height. Compliance with this height limit will minimize potential obstruction of views of the surrounding mountains and other public views. The Project Applicant will be required to provide a minimum landscape area of 20% of the lot area⁴ or approximately 37,179 SF of the Project Site. Shrubs and trees would be planted along the perimeter of the Project Site. The Proposed Project would not substantially degrade the existing visual character or quality of public views of the site or vicinity. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The nearest sensitive receptors to the Project Site are the single-family residences to the east and the north. According to the San Bernardino County Development Code, Section 83.07.030(a) Glare and Outdoor Lighting, outdoor lighting must be fully shielded to preclude light pollution or light trespass on an abutting residential land use zoning district, a residential parcel or public right-of-way. The Proposed Project will be designed

²San Bernardino County. Development Code.

<http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DCWebsite.pdf>. Accessed January 11, 2023.

³ San Bernardino County. San Bernardino Countywide Plan Draft EIR. Figure 5.1-1. Accessed January 11, 2022.

⁴ San Bernardino County Development Code. Page 3-102.

<http://www.sbcounty.gov/Uploads/lus/DevelopmentCode/DCWebsite.pdf#PAGE=97>

to adhere to these lighting standards, and demonstration of compliance will be required prior to issuance of a building permit. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

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

- e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? ☐ ☐ ☐ ☒

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

Countywide Plan; California Department of Conservation Farmland Mapping and Monitoring Program; San Bernardino County Agricultural Resources GIS Map

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The California Department of Conservation's Farmland Mapping and Monitoring Program identifies the Project Site as "Urban and Built-Up Land" in its California Important Farmland Finder.⁵ "Urban and Built-Up Land" is occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately 6 structures to a 10-acre parcel. Common examples include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures. No prime farmland, unique farmland, or farmland of statewide importance occurs at the Project Site or within the immediate vicinity.⁶ The Proposed Project would not convert farmland to a non-agricultural use. No impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

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

The Project Site is not under or adjacent to any lands under a Williamson Act Contract.⁷⁸ The Proposed Project includes a Zone Change from Rural Living (RL-5) to General Commercial (CG); there are no agriculturally zoned properties in the vicinity within the Countywide Plan. There are no properties nearby that are under Williamson Contracts. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The Project Site is currently zoned for residential uses. There are no forest land designations in the Valley portion of the County. Implementation of the Proposed Project

⁵ <https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed January 11, 2023.

⁶ San Bernardino County. San Bernardino Countywide Plan. NR-5 "Agricultural Resources." Accessed January 11, 2023.

⁷ San Bernardino County. San Bernardino Countywide Plan. NR-5 "Agricultural Resources." Accessed January 11, 2023.

would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned for Timberland Production. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

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

The Project Site is currently vacant and does not support forest land. Implementation of the Proposed Project would not result in loss of forest land or conversion of forest land to non-forest use. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

- e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

The Project Site is currently zoned Rural Living and there are no farmlands or forest lands in the vicinity. Implementation of the Proposed Project would not result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. No impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

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

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

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

SUBSTANTIATION: (Discuss conformity with the South Coast Air Quality Management Plan, if applicable):

Countywide Plan; CalEEMod Output

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

The Project Site is located in the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) has jurisdiction over air quality issues and regulations within the SCAB. The Air Quality Management Plan (AQMP) for the SCAB establishes a program of rules and regulations administered by the SCAQMD to obtain attainment of the state and federal ambient air quality standards. The SCAB is classified as an “extreme” nonattainment area for the 2015 Ozone National Ambient Air Quality Standards (NAAQS). The most recent AQMP (AQMP 2022) was developed to address the requirements for meeting this standard and was adopted by the SCAQMD on December 2, 2022. The 2022 AQMP incorporates the latest scientific and technological information and planning assumptions, including transportation control measures developed by the Southern California Association of Governments (SCAG) from the 2020 Regional Transportation Plan/Sustainable Communities Strategy, and updated emission inventory methodologies for various source categories. Consistency with the AQMP 2022 for general development projects is determined by demonstrating compliance with local land use plans and/or employment projections.

A project is inconsistent with the AQMP if: (1) it does not comply with the approved general plan; or (2) it uses a disproportionately large portion of the forecast growth increment (change population or employment levels). The Proposed Project includes a Zone Change from Rural Living (RL-5) to a General Commercial (CG) Zoning District. However, the Project Site is currently designated in the Countywide Plan for commercial use and the Proposed Project is therefore consistent with the general plan document and the AQMP.

Although the Proposed Project is consistent with the Countywide Plan land use designation, Table 1 is presented to show operational emissions associated with a residential use and the proposed use with Zone Change.

Table 1
Operational Emissions
(Pounds per Day)

| Source | ROG | NO _x | CO | SO ₂ | PM ₁₀ | PM _{2.5} |
|--|------|-----------------|-----|-----------------|------------------|-------------------|
| Development Under Existing Zoning | 0.35 | 0.1 | 0.9 | 0.0 | 0.1 | 0.1 |
| Development Under Proposed Zone Change | 39.0 | 35.6 | 258 | 1.9 | 22.6 | 4.4 |
| SCAQMD Threshold | 55 | 55 | 550 | 150 | 150 | 55 |
| Significance | No | No | No | No | No | No |

Source: CalEEMod.2022.1 Summer Emissions

As shown in Table 1 operational impacts resulting from development allowable under either the existing or proposed zoning would not exceed SCAQMD thresholds. Therefore, the Proposed Project would not result in an increase in the frequency or severity of existing air quality violations, or delay the attainment of air quality standards specified in the AQMP. Refer to Appendix A for Proposed Project emissions output and Appendix A-1 for existing single-family residence output.

Less Than Significant Impact

- b) *Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard?*

Construction and operational emissions were screened using CalEEMod version 2022.1. The model incorporates Rule 403 as a default to control dust during construction. The criteria pollutants screened for include reactive organic gases (ROG), nitrous oxides (NO_x), carbon monoxide (CO), sulfur dioxide (SO₂), and particulates (PM₁₀ and PM_{2.5}). Two of the analyzed pollutants, ROG and NO_x, are ozone precursors. Both summer and winter season emission levels were estimated.

Construction Emissions

Construction emissions are considered short-term, temporary emissions and were modeled with the following construction parameters: site preparation, grading (fine and mass grading), building construction, paving, and architectural coating. Construction was modeled with an anticipated start date in late 2023 and be completed in early 2024. The resulting emissions generated by construction of the Proposed Project is shown in Table 2, which represent summer and winter construction emissions.

Table 2
Construction Emissions Summary
(Pounds per Day)

| Source/Phase | ROG | NO _x | CO | SO ₂ | PM ₁₀ | PM _{2.5} |
|---------------------------------|-------------|-----------------|-------------|-----------------|------------------|-------------------|
| Daily Summer (max) | 12.7 | 40.0 | 37.1 | 0.1 | 9.7 | 5.7 |
| Daily Winter (max) | 1.3 | 12.0 | 13.8 | 0.0 | 0.6 | 0.6 |
| Average Daily (max) | 1.2 | 7.1 | 7.7 | 0.0 | 0.6 | 0.5 |
| Highest Value (lbs./day) | 12.7 | 40.0 | 37.1 | 0.1 | 9.7 | 5.7 |
| SCAQMD Threshold | 75 | 100 | 550 | 150 | 150 | 55 |
| Significant | No | No | No | No | No | No |

Source: CalEEMod.2022.1

Phases do not overlap and represent the highest concentration.

As shown in Table 2, construction emissions during either summer or winter seasonal conditions would not exceed the SCAQMD thresholds. Although the Proposed Project does not exceed SCAQMD thresholds for construction emissions, the Project Proponent would be required to comply with all applicable SCAQMD rules and regulations as the SCAB is in non-attainment status for ozone and suspended particulates (PM₁₀ and PM_{2.5}).

Compliance with SCAQMD Rules 402 and 403

Although the Proposed Project does not exceed SCAQMD thresholds for construction emissions, the Project Proponent would be required to comply with all applicable SCAQMD rules and regulations as the SCAB is in non-attainment status for ozone and suspended particulates (PM₁₀ and PM_{2.5}).

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

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

During construction, exhaust emissions from construction vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO_x and PM₁₀ levels in the area. Therefore, the Applicant/Contractor would be required to implement the following conditions as required by SCAQMD:

2. To reduce emissions, all equipment used in grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
3. The Project Proponent shall ensure that existing power sources are utilized where feasible via temporary power poles to avoid on-site power generation during construction.
4. The Project Proponent shall ensure that construction personnel are informed of ride sharing and transit opportunities.
5. All buildings on the Project Site shall conform to energy use guidelines in Title 24 of the California Administrative Code.
6. The operator shall maintain and effectively utilize and schedule on-site equipment in order to minimize exhaust emissions from truck idling.

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

Operational Emissions

The operational mobile source emissions were calculated using the Traffic Impact Analysis (TIA) prepared by Ganddini Group in May 5, 2023. The TIA determined that the Proposed Project would generate approximately 9,247 daily vehicle trips. Emissions associated with the Proposed Project's estimated total daily trips were modeled. Operational emissions are listed in Table 3 and Table 4, which represent summer and winter operational emissions, respectively.

Table 3
Summer Operational Emissions Summary
(Pounds per Day)

| Source | ROG | NO _x | CO | SO ₂ | PM ₁₀ | PM _{2.5} |
|--------------------------|-------------|-----------------|--------------|-----------------|------------------|-------------------|
| Area | 0.5 | - | - | - | - | - |
| Energy | 0.0 | 0.2 | 0.2 | 0.0 | 0.0 | 0.0 |
| Mobile | 38.4 | 32.9 | 305 | 0.7 | 22.6 | 4.4 |
| Totals (lbs./day) | 39.3 | 33.1 | 305.2 | 0.7 | 22.6 | 4.4 |
| SCAQMD Threshold | 55 | 55 | 550 | 150 | 150 | 55 |
| Significance | No | No | No | No | No | No |

Source: CalEEMod.2022.1

Table 4
Winter Operational Emissions Summary
(Pounds per Day)

| Source | ROG | NO _x | CO | SO ₂ | PM ₁₀ | PM _{2.5} |
|--------------------------|-------------|-----------------|--------------|-----------------|------------------|-------------------|
| Area | 0.5 | - | - | - | - | - |
| Energy | 0.0 | 0.2 | 0.2 | 0.0 | 0.0 | 0.0 |
| Mobile | 35.4 | 35.4 | 258 | 0.6 | 22.6 | 4.4 |
| Totals (lbs./day) | 36.1 | 35.6 | 258.2 | 0.6 | 22.6 | 4.4 |
| SCAQMD Threshold | 55 | 55 | 550 | 150 | 150 | 55 |
| Significance | No | No | No | No | No | No |

Source: CalEEMod.2022.1

As shown, both summer and winter season operational emissions are below SCAQMD thresholds. The Proposed Project does not exceed applicable SCAQMD regional thresholds either during construction or operational activities. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

A Toxic Air Contaminant Health Risk Assessment Technical Memorandum dated November 9, 2022, was prepared for Proposed Project by Ganddini Group and is available for review at County offices.

The ARB Air Quality and Land Use Handbook (ARB Handbook) provides an advisory recommendation that a 50-foot separation be provided between sensitive receptors and typical gasoline dispensing facilities and a 300-foot separation be provided between sensitive receptors and a large gasoline station. According to the SCAQMD CEQA Handbook, any project that has the potential to expose the public to toxic air contaminants in excess of the following thresholds would be considered to have a significant air quality impact:

- If the Maximum Incremental Cancer Risk is 10 in one million or greater; or
- Toxic air contaminants from the proposed project would result in a Hazard Index increase of 1 or greater

The Proposed Project includes the construction and operation of a 10-fuel pump (20-fueling position) gas station. As provided by the project applicant, the proposed gasoline service station is anticipated to have an annual throughput of up to approximately 4.8 million gallons. The closest sensitive receptors to the proposed service station are located at a distance of approximately 113 feet (~34 meters) from the underground storage tanks and approximately 160 feet (~49 meters) from the service station canopy.

The gas station portion of the project will be permitted by SCAQMD and fuel-related emissions will be regulated by the SCAQMD Rule 461.A Permit To Operate issued by SCAQMD will be required. Gasoline dispensing facilities are required to use Phase I/II EVR (enhanced vapor recovery) systems. Phase II EVR has an average efficiency of 95.1 percent and Phase I EVR have an average efficiency of 98 percent. Therefore, the potential for fugitive VOC or TAC emissions from the gasoline pumps is negligible.

Assuming 4.8 million gallons per year of throughput for, using the SCAQMD Risk Assessment Procedures for Rules 1401, 1401.1 and 2124 and the SCAQMD Permit Application Package "N"5 and a downwind distance of approximately 34 meters, in the Fontana area, the residential cancer risk for the closest residential receptor is 9.57 in a million. As such, the Proposed Project will not be a significant source of toxic air contaminants or fugitive VOC emissions and sensitive receptors would not be exposed to toxic sources of air pollution. The health risk impacts associated with the proposed gasoline fueling facility are considered to be less than significant. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

Potential odor sources associated with the Proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities. Standard construction requirements would minimize odor impacts resulting from

construction activity. It should be noted that any construction odor emissions generated would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction activity. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with County of San Bernardino solid waste regulations. The Proposed Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. There may also be odors during operations associated with food preparation at the restaurants. Compliance with SCAQMD Rule 1138 would ensure that any such odors are minimized to the extent feasible. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|--|---------------------------------------|---|-------------------------------------|--------------------------|
| IV. BIOLOGICAL RESOURCES – Would the project: | | | | |
| a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

Countywide Plan; Biological Resources Assessment, May 2022, EMLT Consulting

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

A Biological Resources Assessment (BRA) was prepared for the Proposed Project by ELMT Consulting dated May 31, 2022 (available at County office for review). A literature review and records search was conducted for special status biological resources potentially occurring on or within the vicinity of the project site. The literature review provided a baseline from which to inventory the biological resources potentially occurring within the Project Site.

On March 10, 2022, ELMT conducted a field survey of the Project Site. The Project Site largely supports undeveloped land that has been subject to a variety of anthropogenic disturbances and is surrounded by existing urban development.

Vegetation

According to ELMT, the disturbed portion of the Project Site is moderately to densely vegetated with a variety of weedy and early successional plants and is dominated by fiddleneck (*Amsinckia spp.*) and non-native grasses such as oats (*Avena spp.*), bromes (*Bromus spp.*), and foxtail (*Hordeum murinum*). Other plant species observed during the field investigation include cheeseweed (*Malva Parviflora*), Russian thistle (*Salsola tragus*), redstemmed filaree (*Erodium cicutarium*), mustard (*Brassica tournefortii*), hedge mustard (*Sisymbrium orientale*), tumbleweed (*Amaranthus albus*), common groundsel (*Senecio vulgaris*), common groundsel, and southern crabgrass (*Digitaria ciliaris*). Developed portions of the site are unvegetated.

Wildlife

Mammalian species detected during the field survey include pocket gopher (*Thomomys bottae*) and domestic cat (*Felis catus*). Avian species observed during the field investigation include Cooper's hawk (*Accipiter cooperii*), Eurasian collared dove (*Streptopelia decaocto*), Anna's hummingbird (*Calypete anna*), common raven (*Corvus*

corax), rock pigeon (*Columba livia*), house sparrow (*Passer domesticus*), European starling (*Sturnus vulgaris*), and northern mockingbird (*Mimus polyglottos*). The only reptile species observed during the field investigation was western side-blotched lizard (*Uta stansburiana elegans*).

Special Status Species

According to the CNDDDB, forty-seven (47) special-status wildlife species have been reported in the Fontana quadrangle. The only special-status wildlife species observed during the field investigation was Cooper's hawk. The Project Site largely supports undeveloped land that has been subject to a variety of anthropogenic disturbances and is surrounded by existing urban development. These disturbances have eliminated the natural plant communities that once occurred on-site which has reduced potential foraging and nesting/denning opportunities for wildlife species. Based on habitat requirements for specific species and the availability and quality of onsite habitats, it was determined that the Project Site has a high potential to support sharp-shinned hawk (*Accipiter cooperii*), and California horned lark (*Eremophila alpestris actia*). However, the Project Site does not provide suitable habitat for any of the other special-status wildlife species known to occur in the area since the Project Site have been heavily disturbed from onsite disturbances and surrounding development. None of the aforementioned special-status wildlife species are federally or state listed as endangered or threatened.

Although, no active nests or birds displaying nesting behavior were observed during the field survey, the Proposed Project may have potential significant impacts on nesting birds.

Mitigation Measure BIO-1:

Nesting bird surveys shall be conducted prior to any construction activities taking place during the nesting season to avoid potentially taking any birds or active nests. If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a no-disturbance buffer. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

With implementation of Mitigation Measure BIO-1, the Proposed Project would not have a substantial adverse effect on any species identified as a candidate, sensitive or special status species.

Less than Significant with Mitigation

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

Three key agencies regulate activities within inland streams, wetlands, and riparian areas in California. The U.S. Army Corps of Engineers (ACOE) Regulatory Branch regulates discharge of dredge or fill materials into waters of the United States. These watersheds include wetlands and non-wetland bodies of water that meet specific criteria. The California Department of Fish and Wildlife (CDFW), through provisions of State of California Administrative Code, is empowered to issue agreements for any alteration of a river, stream or lake where fish or wildlife resources may adversely be affected. Streams (and rivers) are defined by the presence of a channel bed and banks, and at least an intermittent flow of water. The use of a 404 permit in California is regulated by the Regional Water Resources Control Boards (RWQCB) under Section 401 of the Clean Water Act regulations. The Board has authority to issue a 401 permit that allows the use of a 404 permit in the state.

ELMT's survey found no streams, channels, washes, or swales that meet the definitions of Section 1600 of the State of California Fish and Game Code (FGC) under the jurisdiction of the CDFW, Section 401 ("Waters of the State") of the Clean Water Act (CWA) under the jurisdiction of the RWQCB, or "Waters of the United States" (WoUS) as defined by Section 404 of the CWA under the jurisdiction of the ACOE within the site boundaries. The Project Site does not have any drainages or areas that support riparian habitat. Implementation of the Proposed Project would not result in impacts to riparian habitat. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

The ACOE regulates discharge of dredge or fill materials into waters of the United States. These watersheds include wetlands and non-wetland bodies of water that meet specific criteria. CDFW regulates wetland areas only if those wetlands are part of a river, stream or lake as defined by CDFW. The Project Site does not have any drainages or areas that support wetland, as stated in the BRA. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Wildlife movement and the fragmentation of wildlife habitat are recognized as critical issues that must be considered in assessing impacts to wildlife. Habitat fragmentation is the division or breaking up of larger habitat areas into smaller areas that may or may not be capable of independently sustaining wildlife and plant populations. Habitat linkages

provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. The Project Site is surrounded by single-family residences to the east, west, north and south. It does not contain nor is it adjacent to any wildlife corridors.⁹

The foothill areas of the San Gabriel and San Bernardino Mountains and associated washes are considered habitat linkage and wildlife corridors in the Valley Region of the County.¹⁰ The Project Site is located within an urban area at least 10 miles away from the foothills. Therefore, the Project Site would not be suitable as a native resident or migratory wildlife corridor or for facilitating the movement of any native resident or migratory wildlife species. No significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

According to ELMT, the disturbed portion of the Project Site is moderately to densely vegetated with a variety of weedy and early successional plants and is dominated by fiddleneck (*Amsinckia spp.*) and non-native grasses such as oats (*Avena spp.*), bromes (*Bromus spp.*), and foxtail (*Hordeum murinum*). Other plant species observed during the field investigation include cheeseweed (*Malva Parviflora*), Russian thistle (*Salsola tragus*), redstemmed filaree (*Erodium cicutarium*), mustard (*Brassica tournefortii*), hedge mustard (*Sisymbrium orientale*), tumbleweed (*Amaranthus albus*), common groundsel (*Senecio vulgaris*), common groundsel, and southern crabgrass (*Digitaria ciliaris*). Developed portions of the site are unvegetated.

There are no prominent geologic features occurring on or near the Project Site. The Project Site is primarily bare ground with almost no vegetation. It does not contain biological resources protected under local policies or ordinances. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?*

The Project Site is not located within the planning area of an adopted Habitat Conservation Plan, Natural Community Plan, or other approved local, regional, or state habitat conservation plan as identified in the California Department of Fish and Wildlife's California Natural Community Conservation Plans Map (April 2019).¹¹ No impacts are identified or are anticipated, and no mitigation measures are required.

⁹ San Bernardino Countywide Plan, NR-2 Parks and Open Space Resource. Accessed January 14, 2023.

¹⁰ San Bernardino Countywide Plan Draft EIR. Biological Resources. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>. Accessed January 14, 2023.

¹¹ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>. Accessed January 14, 2023.

No Impact

Therefore, no significant adverse impacts are identified or anticipated with the implementation of Mitigation Measure BIO-1.

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

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

Phase I Cultural Resources Investigation, Brian Smith and Associates Inc. August 9, 2022

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

A Cultural Resources Study, dated August 9, 2022, was prepared for the Proposed Project by Brian F. Smith and Associates Inc. (BFSA) and is available for review at the County offices. The purpose of the assessment was to identify and document any cultural resources that may potentially occur within the Project Site. The investigation was completed for compliance with the California Environmental Quality Act (CEQA), as amended, the San Bernardino County policies and guidelines. The archaeological investigation of the project also includes the review of an archaeological records search performed at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton (CSU Fullerton) in order to assess previous archaeological studies and identify any previously recorded archaeological sites within the project or in the immediate vicinity. A Sacred Lands File (SLF) search was also requested from the Native American Heritage Commission (NAHC).

The SCCIC records search results indicated that there are five previously recorded resources located within one-half mile of the project, neither of which are located within the project's boundaries. These resources include one historic railroad and one historic structure.

Principal Investigator Brian F. Smith conducted the archaeological survey for the Proposed Project on June 17, 2022. The archaeological survey was an intensive reconnaissance consisting of a series of survey transects across the Project Site. The Project Site was vacant and had been mowed prior to the field visit. The grass clippings were not removed, covered the property, and rendered ground visibility to be approximately 50 to 75 percent. No structures have ever been constructed on the property and the survey did not result in the identification of any historic or prehistoric cultural resources.

The Project Site did not historically contain any structures and was primarily utilized for agriculture. Therefore, given the lack of historic development/ occupation within the property coupled with the previous ground-disturbing activities associated with agricultural disturbance, there is minimal potential for historical resources to be encountered by the proposed project. and no mitigation measures are recommended.

Less Than Significant Impact

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

An archaeological records search for a one-half-mile radius around the project was requested by BFSA at the SCCIC at CSU Fullerton on July 26, 2022. Results were received from the SCCIC on May 19, 2022. The SCCIC records search results indicated that there are five previously recorded resources located within one-half mile of the project, neither of which are located within the project's boundaries. The records search results also indicated that a total of eight cultural resources studies have been conducted within one-half mile of the project. None of these studies include the Project Site. None of these studies include the Project Site.

While BFSA's investigation did not indicate the presence of any visible archaeological resources within the project, the absence of positive results does not necessarily indicate the absence of resources. Therefore, it is recommended that the Mitigation Measures CR-1 below to be implemented. With the implementation of Mitigation Measure CR-1, less than significant impacts would occur.

Mitigation Measure CR-1:

In the event that any historic or prehistoric cultural resources are inadvertently discovered, all construction work in the immediate vicinity of the discovery shall stop and a qualified archaeologist shall be engaged to discuss the discovery and determine if further mitigation measures are warranted.

Less than Significant with Mitigation

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

Research provided for BFSA's report did not result in any evidence of human remains within the Project Site, but the presence cannot be completely ruled out. Construction

activities, particularly grading, could potentially disturb human remains interred outside of a formal cemetery. To ensure adequate and compliant management of any buried remains that may be identified during project development, the following mitigation measure is required as a condition of project approval to reduce any potential impacts to a less than significant level.

Mitigation Measure CR-2:

If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ. A buffer must be established around the find (minimum of 50 feet) and the consulting archaeologist must also be notified.

If the remains are determined to be of Native American origin, the Coroner will contact the Native American Heritage Commission and the Most Likely Descendant (MLD) will be named. In consultation with the MLD, the County, project proponent, and consulting archaeologist, the disposition of the remains will be determined. Any costs incurred will be the responsibility of the project proponent/property owner.

If the remains are determined to be archaeological, but non-Native American, the consulting archaeologist will oversee the removal, analysis, and disposition of the remains. Any costs incurred will be the responsibility of the project proponent/property owner.

If the remains are determined to be of forensic value, the County Coroner will arrange for their removal, analysis, and disposition. The Coroner's activities will not involve any costs to the project proponent/property owner.

With implementation of Mitigation Measure CR-2, the Proposed Project would not have a significant impact on human remains.

Less than Significant with Mitigation

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

| <i>Issues</i> | | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|---------------|--|---|---|-------------------------------------|--------------------------|
| VI. | ENERGY – Would the project: | | | | |
| 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? ☐ ☐ ☒ ☐

SUBSTANTIATION: California Energy Consumption Database; Title 24 Building Energy Efficiency Standards; CalEEMod Output

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

Natural Gas: Natural gas service for the Proposed Project would be provided by Southern California Gas Company (SoCalGas). The Project Site is currently vacant and has no demand for natural gas. Therefore, the development of the Proposed Project will create a permanent increase demand for natural gas. According to the California Energy Commission, the natural gas consumption of the SoCalGas planning area commercial building sector was 871,416,674 therms in 2021.¹² The Proposed Project's estimated annual natural gas demand is 7,392.09 therms. The Proposed Project's estimated annual natural gas consumption compared to the 2021 annual natural gas consumption of the overall commercial building sector in the SoCalGas Planning Area would account for approximately 0.0008483% percent of total natural gas consumption.

Electricity: Southern California Edison (SCE) would provide electricity to the Project Site. According to the California Energy Commission, the commercial building sector of the Southern California Edison planning area consumed 34,087,019,307 GWh of electricity in 2021.¹³ The Project Site is currently vacant and does not use electricity. The implementation of the Proposed Project would result in an increase in electricity demand. The estimated electricity demand for the Proposed Project is 0.348583 GWh per year. The Proposed Project's estimated annual electricity consumption compared to the 2021 annual electricity consumption of the overall commercial building sector in the SCE Planning Area would account for approximately 0.0010226 percent of total electricity consumption. The increase in electricity demand from the Proposed Project is insignificant compared to the projected electricity demand for SCE's entire service area.

The Proposed Project has been designed to comply with the 2022 Building Energy Efficiency Standards. San Bernardino County would review and verify that the Proposed Project plans would be in compliance with the most current version of the Building and Energy Efficiency Standards. The Proposed Project would also be required adhere to CALGreen, which establishes planning and design standards for sustainable developments and energy efficiency. The Proposed Project would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

¹² <https://ecdms.energy.ca.gov> Accessed May 23, 2023.

¹³ <https://ecdms.energy.ca.gov> Accessed May 23, 2023.

Less Than Significant Impact

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

The Proposed Project would be designed to comply with the San Bernardino County Greenhouse Gas Emissions Reduction Plan (see Section VIII), and the State Building Energy Efficiency Standards (Title 24). Project development would not cause inefficient, wasteful and unnecessary energy consumption, and no adverse impacts would occur.

The Proposed Project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce GHG emissions, including Title 24, AB 32, and SB 32; therefore, the Project is consistent with AB 32, which aims to decrease emissions statewide to 1990 levels by to 2020. The Proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, no impacts are identified or anticipated, and no mitigation measures are recommended.

Less Than Significant Impact

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

| | Issues | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant | No Impact |
|-------------|---|--------------------------------|--|-----------------------|-----------|
| VII. | GEOLOGY AND SOILS - Would the project: | | | | |

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

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii. Strong seismic ground shaking? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

- | | | | | |
|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION: (Check ☐ if project is located in the Geologic Hazards Overlay District):

Countywide Plan; Geotechnical Engineering Investigation, More Twinning Associates, Inc. June 2020; Fault Activity Map of California, 2010; California Important Land Finder; Phase I Cultural Resources Investigation

- 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

A Geotechnical Engineering Investigation, dated June 2020, was prepared for the Proposed Project by More Twinning Associates, Inc. (available at County offices for review). The Project Site does not occur within an Alquist-Priolo Earthquake Fault Zone¹⁴ or County Fault Hazard Zone.¹⁵ The nearest fault zone is the San Jacinto Fault Zone, which is approximately 4.5 miles northeast of the Project Site. The Proposed Project would be required to comply with the California Building Code requirements and the Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Compliance with these codes and standards would address potential impacts resulting from an earthquake event.

¹⁴Department of Conservation Fault Activity Map of California (2010). <http://maps.conservation.ca.gov/cgs/fam/>. Accessed January 15, 2023.

¹⁵ San Bernardino Countywide Plan. HZ-1 Earthquake Fault Zones. Accessed January 15, 2023.

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

Less Than Significant Impact

ii) Strong seismic ground shaking?

No active faults pass through Bloomington.¹⁶ As is the case for most areas of Southern California, ground shaking resulting from earthquakes associated with nearby and more distant faults may occur at the Project Site. The design of any structures on-site would incorporate measures to accommodate projected seismic ground shaking in accordance with the California Building Code (CBC) and local building regulations. The CBC is designed to preclude significant adverse effects associated with strong seismic ground shaking. Compliance can ensure that the Proposed Project would not expose people or structures to substantial adverse effects, including loss, injury or death, involving seismic ground shaking. Implementation of mitigation measure GEO-1 below would ensure that seismic impacts due to seismic activity are reduced to less than significant level.

Mitigation Measure GEO-1:

The recommendations in the Geotechnical Investigation Report reviewed and approved by the County Geologist shall be incorporated into the Proposed Project's design and construction specifications.

With implementation of Mitigation Measure GEO-1, the Proposed Project would not cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

Less than Significant with Mitigation

iii) Seismic-related ground failure, including liquefaction?

Liquefaction is a process in which cohesion-less, saturated, fine-grained sand and silt soils lose shear strength due to ground shaking and behave as fluid. Areas overlying groundwater within 30 to 50 feet of the surface are considered susceptible to liquefaction hazards. Ground failure associated with liquefaction can result in severe damage to structures. The Project Site is not located in an area susceptible to liquefaction.¹⁷ Therefore, no significant impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

¹⁶ San Bernardino Countywide Plan: HZ-1 Earthquake Fault Zones. Accessed January 15, 2023.

¹⁷ San Bernardino Countywide Plan. HZ-2 Liquefaction & Landslide. Accessed January 15, 2023.

iv) Landslides?

Seismically induced landslides and other slope failures are common occurrences during or soon after earthquakes. The Project Site is not located within an area susceptible to landslides.¹⁸ Furthermore, the Project Site is near level with the surrounding area. Therefore, no impacts are identified or are anticipated, and no mitigation measures are required.

No Impact

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

Implementation of the Proposed Project would disturb more than one acre of soil. Therefore, the Proposed Project is subject to requirements of the State Water Resources Control Boards General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-2009-DWQ). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling or excavation. The Construction General Permit requires the development and implementation of a Storm Water Pollution and Prevention Plan (SWPPP). The SWPPP must list Best Management Practices (BMPs) to avoid and minimize soil erosion. Examples of BMPs include i.e., sandbag barriers, sediment traps, rip rap soil stabilizers, sweep roadway from track-out, and rumble strips. BMPs applicable to the Proposed Project will be subject to County approval and provided in contract bid documents. Adherence to BMPs would ensure that the Proposed Project does not result in substantial soil erosion or the loss of topsoil. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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?

The Project Site is relatively flat with no prominent geologic features occurring on or within the vicinity of the Project Site. The Project Site is not within an area susceptible to liquefaction or landslides.¹⁹ Seismically induced lateral spreading involves lateral movement of soils due to ground shaking. Because the Project Site is relatively level, the potential for seismically induced lateral ground spreading should be considered low. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

¹⁸ San Bernardino Countywide Plan. HZ-2 Liquefaction & Landslide. Accessed January15, 2023.

¹⁹ San Bernardino Countywide Plan. HZ-2 Liquefaction & Landslide. Accessed January 15, 2023.

- 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?*

Expansive soils (shrink-swell) are fine-grained clay silts subject to swelling and contracting in relation to the amount of moisture present in the soil. Structures built on expansive soils may incur damage due to differential settlement of the soil as expansion and contraction takes place. A high shrink-swell potential indicates a hazard to structures built on or with material having this rating. The Project Site consists of Tujunga Loamy Sand soils.²⁰ Loamy sand soils are usually very stable soil that shows little change with the amount of moisture. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The Proposed Project does not include the installation of a new septic tank or any other alternative wastewater disposal system. The Proposed Project will connect to an existing sewer line in San Bernardino Avenue. Therefore, no significant adverse impact is identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

A Paleontological Assessment dated July 6, 2022 was completed by Brian F. Smith and Associates, Inc. for the Proposed Project. While fossil specimens are not associated with the younger Quaternary deposits, the older deposits have been known to yield specimens. The occurrence of terrestrial vertebrate fossils at shallow depths from Pleistocene alluvial fan sediments across the Inland Empire is well documented. The "High" paleontological sensitivity rating typically assigned to Pleistocene alluvial fan sediments for yielding paleontological resources supports the recommendation that paleontological monitoring be implemented during mass grading and excavation activities in undisturbed Pleistocene old alluvial fan sediments to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources.

The following mitigation measures are recommended to insure adequate and compliant management of any resources that may be identified within the Project Site during project development:

²⁰ Natural Resources Conservation Service. Web Soil Survey. Accessed January 15, 2023.

Mitigation Measure GEO-2:

Based on the conclusions and recommendations of the July 2022 Paleontological Assessment, a Paleontological Resource Impact Mitigation Program (PRIMP) is recommended prior to approval of the grading permit.

Mitigation Measure GEO-3:

Full-time monitoring of undisturbed Pleistocene old alluvial fan deposits at the project is warranted starting at the surface. For areas mapped as young alluvial fan deposits, full-time monitoring is recommended starting at a depth of five feet below the surface. If a fossil(s) is found at shallower depths, earth disturbance activities should be halted within a radius of 50 feet from the location of the fossil, and a qualified, project-level paleontologist shall be consulted to determine the significance of the fossilized remains.

Implementation of Mitigation Measure GEO-2 and GEO-3 would ensure that no significant impacts to paleontological resources occur.

Less than Significant with Mitigation

Therefore, potential impacts can be reduced to less than significant level with implementation of mitigation measures above.

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

SUBSTANTIATION:

Countywide Plan; CalEEMod Output

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

San Bernardino County adopted its "Greenhouse Gas Emissions Reduction Plan" (GHG Reduction Plan) in December 2011. The GHG Reduction Plan was updated in June

2021 (GHGRP Update).²¹ A review standard of 3,000 metric tons of carbon dioxide equivalents (MTCO₂e) per year will be used to identify projects that require the use of the Screening Tables or a project-specific technical analysis to quantify and mitigate project emissions. Screening tables are a menu of options of energy efficiency improvements, renewable energy options, water conservation measures, and other options that provide predictable GHG reductions. Projects that result in GHG emissions exceeding the County's screening threshold of 3,000 MTCO₂e per year would require the use of the Screening Tables for emission reduction. Each option within the Screening Tables includes point values based upon the GHG reduction that option would provide to a development project. Developers that choose options from the Screening Tables totaling 100 points or more will be determined to have provided a fair-share contribution of GHG reductions and, therefore, are considered consistent with the GHGRP Update.

The levels of GHG reductions designed into the Screening Tables are consistent with the State goal of achieving 40 percent below 1990 levels of emissions by 2030.

GHG emissions were screened using CalEEMod version 2022.1. Construction is anticipated to begin in 2023 and completed in late 2024. The operational mobile source emissions were calculated using the Traffic Impact Analysis (TIA) prepared by Ganddini Group in May 5, 2023. The TIA determined that the Proposed Project would generate approximately 9,247 daily vehicle trips. Emissions associated with the Proposed Project's estimated total daily trips were modeled.

As shown in Tables 7 and 8 the Proposed Project would generate approximately 11,253.8 MTCO₂e per year and would exceed the County screening threshold of 3,000 MTCO₂e. Therefore, project operational activities were evaluated compared to the San Bernardino County GHG Reduction Plan Screening Tables. The Project Applicant has selected options from the Screening Tables totaling 100 points or more and include reduction measures such as enhanced insulation for roofs and windows, Very High Efficiency HVAC systems and water heaters, and Very High Efficiency Lights (see Appendix B – Screening Tables). Having achieved the 100 points allows that the Proposed Project be determined to have provided a fair-share contribution of GHG reductions and, therefore, is considered consistent with the GHGRP Update.

Table 7
Greenhouse Gas Construction Emissions
(Metric Tons per Year)

| Source/Phase | CO ₂ | CH ₄ | N ₂ O | R ¹ |
|--|-----------------|-----------------|------------------|----------------|
| 2023 | 222 | 0.0 | 0.0 | 0.0 |
| 2024 | 122 | 0.0 | 0.0 | 0.0 |
| Total (MTCO₂e) | 344 | | | |
| Construction Amortized 30 Years | 11.5 | | | |

Source: CalEEMod.2022.1 Annual Emissions.

1) Common refrigerant GHGs used in air conditioning and refrigeration equipment.

²¹ LSA Associates, Inc. County of San Bernardino Greenhouse Gas Reduction Plan Update. Adopted September 21, 2021. http://www.sbcounty.gov/uploads/LUS/GreenhouseGas/GHG_2021/GHG%20Reduction%20Plan%20Update-Greenhouse%20Gas%20Reduction%20Plan%20Update%20-%20Adopted%209-21-2021.pdf.

Table 8
Greenhouse Gas Operational Emissions
(Metric Tons per Year)

| Source/Phase | CO ₂ | CH ₄ | N ₂ O | CO ₂ e |
|--------------------------------|-----------------|-----------------|------------------|-------------------|
| Area | 0 | 0.0 | 0.0 | 0.0 |
| Energy | 94.3 | 0.0 | 0.0 | 94.8 |
| Mobile | 10,909 | 0.6 | 0.6 | 11,113 |
| Waste | 7.7 | 0.8 | 0.0 | 26.8 |
| Water | 4.6 | 0.1 | 0.0 | 7.7 |
| Construction amortized | 11.5 | | | |
| Total MTCO₂e | 11,253.8 | | | |
| County Screening Threshold | 3,000 | | | |

Source: CalEEMod.2022.1 Annual

With implementation of the GHG reduction Measures and design features, the Proposed Project would garner 154 points using the Screening Tables (see Appendix B). Therefore, it would provide the fair share contribution of reductions and is considered consistent with the County's GHG reduction plan. Less than significant impact is anticipated.

Less than Significant with Mitigation

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

The Proposed Project would comply with applicable County GHG Plan strategies. The Proposed Project would garner 154 points using the Screening Tables. Therefore, it would provide the fair share contribution of reductions and would be in compliance with the County's GHG reduction plan. Less than significant impacts are identified or anticipated.

Less Than Significant Impact

Therefore, with implementation of Mitigation Measure GHG-1, impacts would be less than significant.

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|---|---------------------------------------|---|------------------------------|------------------|
| IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project: | | | | |

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ☐ ☐ ☒ ☐

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

EnviroStor Database; San Bernardino Countywide Plan Draft EIR: Hazards and Hazardous Materials

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

The Proposed Project is a retail development includes a service station/convenience store, car wash, and restaurant. Construction and operation of the Proposed Project would require the routine transport, use, storage, and disposal of limited quantities of common hazardous materials such as gasoline, diesel fuel, oils, solvents, paint, fertilizers, pesticides, and other similar materials. The fueling station component would be required to prepare a Spill Contingency Plan for filing with the San Bernardino County Hazardous Materials Department and all operations of the fueling station and related USTs would be required to comply with all federal, state, and local laws regulating the management and use of hazardous materials. Therefore, impacts associated with long-term operations

would not result in significant impacts. The fueling station would also be directly connected to a fuel spill holding tank which would discharge to the retention basins for water quality purposes.

Operations would also include standard maintenance (i.e., landscape upkeep, exterior painting and similar activities) involving the use of commercially available products (e.g., pesticides, herbicides, gas, oil, paint, etc.) the use of which would not create a significant hazard to the public. All materials required during construction would be kept in compliance with State and local regulations and Best Management Practices.

Development of the Proposed Project would disturb more than one acre and would therefore be subject to the NPDES permit requirements. Requirements of the permit would include development and implementation of a SWPPP, which is subject to Santa Ana Regional Water Quality Control Board (RWQCB) review and approval. The purpose of an SWPPP is to: 1) identify pollutant sources that may affect the quality of discharges of stormwater associated with construction activities; and 2) identify, construct and implement stormwater pollution control measures to reduce pollutants in stormwater discharges from the construction site during and after construction. The SWPPP would include BMPs to control and abate pollutants. Examples of BMPs include i.e., sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, sweep roadway from track-out, and rumble strips. BMPs applicable to the Proposed Project will be subject to County approval and provided in contract bid documents. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- 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?*

Hazardous or toxic materials transported in association with construction of the Proposed Project may include items such as oils, paints, and fuels. All construction materials would be kept in compliance with State and local regulations. Operational activities include standard maintenance that involve the use of commercially available productions, which would not create significant hazard to the public or the environment through reasonably foreseeable upset and accidental release of hazardous materials into the environment. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Smith School is the nearest school to the Project Site.²² It is located 0.20 miles to the northwest of the Project Site at 9551 Linden Avenue. Hazardous materials for the proposed gas station would be handled in accordance to State and local regulations as

²² San Bernardino Countywide Plan, HW-1 Education Facilities. Accessed January 17, 2023

as noted in a) above to avoid any hazardous materials conditions in the surrounding area. As discussed in Section III, no sensitive receptors in the vicinity would be exposed to a cancer risk of greater than 10 in one million. The maximum risk estimate at any sensitive land use in the vicinity of the Project Site would be 9.57 in one million. The Proposed Project's gas station operations would therefore not generate emissions that would cause or result in an exceedance of the applicable SCAQMD cancer threshold of 10 in one million.

Construction of the Proposed Project would be temporary and short-term. All materials required during construction would be kept in compliance with State and local regulations and Best Management Practices. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The Project Site was not found on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 by the California Department of Toxic Substances Control's EnviroStor data management system.²³ EnviroStor tracks cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues. No hazardous materials sites are located within or in the immediate vicinity of the Project Site. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The Project Site is not within an airport safety review area or Airport Runway Protection Zone.²⁴ The Project Site is not located within the vicinity of a private or public airstrip. The nearest airport to the Project Site is San Bernardino International Airport, approximately 6.0 miles northeast of the Project Site. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

- f) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The Project Site does not contain any emergency facilities. The I-10 freeway is an evacuation route within the Valley Region of the County.²⁵ The Project Site is

²³California Department of Toxic Substances Control. EnviroStor. Accessed January 17, 2023.

²⁴ San Bernardino Countywide Plan, HZ-9 Airport Safety Zones. Accessed January 17, 2023.

²⁵ San Bernardino Countywide Plan, PP-2 Evacuation Routes. Accessed January 17, 2023.

approximately 0.64 mile north of I-10. Adequate on-site access for emergency vehicles would be verified during the County's plan review process. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as required by the County. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

- g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

The Project Site is not located within a High or Very High Fire Hazard Severity Zone.²⁶ In addition, there are no intermixed wildland areas within the vicinity of the Project Site. The nearest wildland areas would be Jurupa Hills, located approximately 1.0 mile southwest of the Project Site. The Proposed Project is the development of a gas station/convenience store, car wash, drive-through restaurant and retail building. It would not expose people or structures to a significant risk of loss, injury or death involving wildland fires. The Proposed Project is subject to review and approval from the San Bernardino County Fire Marshal. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

| <i>Issues</i> | | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|--|--|---|---|-------------------------------------|--------------------------|
| X. HYDROLOGY AND WATER QUALITY - Would the project: | | | | | |
| a) | Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

²⁶ San Bernardino Countywide Plan, HZ-5 Fire Hazard Severity Zones. Accessed January 17, 2023.

- 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 offsite; ☐ ☐ ☒ ☐
 - iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or ☐ ☐ ☒ ☐
 - iv. impede or redirect flood flows? ☐ ☐ ☒ ☐
- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? ☐ ☐ ☐ ☒
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? ☐ ☐ ☒ ☐

SUBSTANTIATION:

Countywide Plan; Preliminary WQMP, Transtech Engineers, Inc., April 24, 2023; Preliminary Drainage Report, Transtech Engineers, Inc., May, 2022

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

The Proposed Project would disturb approximately 3.97 acres and would therefore be subject to the National Pollutant Discharge Elimination System (NPDES) permit. The State of California is authorized to administer various aspects of the NPDES. Construction activities covered under the State's General Construction permit include the removal of vegetation, grading, excavating, or any other activity that causes the disturbance of one acre or more. The General Construction permit requires recipients to reduce or eliminate non-storm water discharges into stormwater systems, and to develop and implement a SWPPP. The SWPPP is based on the principles of Best Management Practices (BMPs) to control and abate pollutants. The SWPPP must include BMPs to prevent project-related pollutants from impacting surface waters.

The RWQCB has issued an area-wide NPDES Storm Water Permit for San Bernardino County, the San Bernardino County Flood Control District and the unincorporated areas of San Bernardino County. The implementation of NPDES permits ensures that the State and Federal mandatory standards for the maintenance of clean water are met.

In addition, the County requires the preparation of a Water Quality Management Plan (WQMP) for development projects that involve the creation of 10,000 ft² or more of impervious surface collectively over the entire site and parking lots of 5,000 ft² or more exposed to storm water. A preliminary WQMP dated April 24, 2023, was prepared for the Proposed Project by Transtech Engineers. (available at County office) and submitted to the County for review. The WQMP is intended to comply with the requirements of the County of San Bernardino and the NPDES Area wide Stormwater Program requiring the preparation of a WQMP. All BMPs included as part of the project WQMP are required to be maintained through regularly scheduled inspection and maintenance. Review and approval of the WQMP would ensure that all potential pollutants of concern are minimized or otherwise appropriately treated prior to being discharged from the Project Site. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The San Bernardino Valley Municipal Water District (SBVMWD) is a regional water management agency that covers about 325 square miles in southwestern San Bernardino County, including the Community of Bloomington. Water supply to the Project Site would be provided by the West Valley Water District (WVWD), a retailer within the boundaries of the SBVMWD. According to the 2020 Upper Santa Ana River Watershed Urban Water Management Plan, during a five year drought, the total water supply for the region is to be 519,910 acre-feet, while the total five year drought water demand is projected to be 410,712 AF in the same year, resulting in a surplus of 108,698 AF. Therefore, the region's water supplies are sufficient to meet demand within the SBVMWD's service area.

Implementation of the project Best Management Practices (BMPs) would ensure that stormwater discharge does not substantially alter the existing drainage pattern and water quality, thereby allowing runoff from the Project Site to be utilized as a resource that can eventually be used for groundwater recharge. Therefore, the Proposed Project is not anticipated to have a substantial impact on groundwater supplies or interfere substantially with groundwater recharge. No significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- 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;*

Erosion is the wearing away of the ground surface as a result of the movement of wind or water, and siltation is the process by which water becomes dirty due to fine mineral particles in the water. Soil erosion could occur due to a storm event. Thus, the Proposed Project is subject to the requirements of the State Water Resources Control Board

General Permit for Discharges of Storm Water Associated with Construction Activity. The Construction General Permit requires the development and implementation of a Storm Water Pollution and Prevention Plan (SWPPP). The SWPPP must list BMPs to avoid and minimize soil erosion. Adherence to BMPs would prevent substantial soil erosion or the loss of topsoil. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;*

A Preliminary Drainage Study was prepared for the Proposed Project by Transtech Engineers, Inc. in April 2023 (available at County offices for review). Natural drainage on the Project Site tends to flow in a northeasterly to southwesterly direction. Natural slope across the site is approximately one percent. There are not any natural drainage courses on the site as flows tend to be sheet flow until reaching the adjacent streets along the south and west portions of the site.

The Proposed Project storm drain system will collect runoff from the building roofs, parking areas and other impervious surfaces in an on-site storm drainage system primarily of surface flows. Storm water runoff will be conveyed as surface flow and directed to the perimeter landscaped areas of the Project Site. During 100-year storm events, flows will be discharged into a series of bio-retention basins located along the perimeter of the Project Site (northern, southern, western and eastern frontages). The total design capture volume is approximately 27,695 cubic feet (CF) for the bio-retention basins. Overflow discharge from the basins will be through parkway culverts discharging directly into the existing curbs and gutters of the San Bernardino Avenue and Cedar Avenue. The increase in runoff and flow rates shall be mitigated by implementing with incorporation of the underground storm infiltration chambers into site design. Therefore, the Proposed Project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite.

Less Than Significant Impact

- iii) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff; or*

Because there are no storm drain facilities adjacent to the Project Site and no sufficient elevation to accommodate an outlet for an onsite detention basin, the only option to mitigate storm water flow is an underground infiltration system. Storm runoff would drain to an underground storm infiltration chamber with the capacity of 27,695 CF. The increase in runoff and flow rates shall be mitigated by implementing with incorporation of the underground storm infiltration chambers into site design. The Proposed Project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of runoff and therefore, no mitigation measures are required.

Less Than Significant Impact

iv) *Impede or redirect flood flows?*

The Project Site is not within a 100-Year Federal Emergency Management Agency (FEMA) flood zone, 100-year Department of Water Resources Awareness Zone, or a 500-year FEMA flood zone.²⁷ Under existing conditions, the site generally flows southwest towards Cedar Avenue and San Bernardino Avenue. Under proposed conditions, storm water runoff will be conveyed as surface flow and directed to the perimeter landscaped areas and discharged into a series of bio-retention basins located along the perimeter of the Project Site (northern, southern, western and eastern frontages). Overflow discharge from the basins will be through parkway culverts discharging directly into the existing curbs and gutters of the San Bernardino Avenue and Cedar Avenue. Development of the Proposed Project would not substantially impede or redirect flood flows. Therefore, less than significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

d) *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Due to the inland distance from the Pacific Ocean and any other significant body of water, tsunamis and seiches are not potential hazards in the vicinity of the Project Site. The closest body of water to the Project Site is Lake Evans, located approximately 4.36 miles southeast of the site and approximately 200 feet lower in elevation. The Project Site is neither located within a Federal Emergency Management Agency (FEMA) 100-year floodplain nor a 500-year floodplain.²⁸ Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

e) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Mandatory compliance with the Proposed Project's WQMP, in addition to compliance with NPDES Permit requirements, would ensure that the Proposed Project does not conflict with or obstruct implementation of a water quality control plan. As discussed in item X(b) above, the Proposed Project would not exceed the available supply of water or obstruct with implementation of a substantial groundwater management plan. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

²⁷ San Bernardino Countywide Plan Draft EIR. Hydrology and Water Quality. Figure 5.9-2 "Flood Hazard Zones in the Valley and Mountain Regions."

²⁸ San Bernardino Countywide Plan Draft EIR. Hydrology and Water Quality. Figure 5.9-2 "Flood Hazard Zones in the Valley and Mountain Regions."

| | <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|------------|---|---|---|----------------------------------|-------------------------------------|
| XI. | LAND USE AND PLANNING - Would the project: | | | | |
| a) | Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

Countywide Plan

a) *Physically divide an established community?*

The Proposed Project is the development of a commercial retail center on a vacant 3.97-acre property. The Project Site is located on the northwest corner of Cedar Avenue and San Bernardino Avenue. It is surrounded by residential uses on all sides.

The physical division of an established community is typically associated with construction of a linear feature, such as a major highway or railroad tracks, or removal of a means of access, such as a local road or bridge, which would impair mobility in an existing community or between a community and an outlying area. The Proposed Project does not include the construction of a linear feature. Therefore, the Proposed Project would neither physically divide an established community nor cause a significant environmental impact due to conflict with any land use plans or policies. No significant impacts are identified or anticipated, and no mitigation measures are 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?*

Provided below is an evaluation of the Proposed Project's consistency with applicable Countywide Policies.

| Policy No. | Policy | Project Consistency |
|-------------------------|---|---|
| Land Use Element | | |
| LU-1.1:Growth | We support growth and development that is fiscally sustainable for the County. We accommodate growth in the | Consistent. The Proposed Project will provide |

| | | |
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| | unincorporated county when it benefits existing communities, provides a regional housing option for rural lifestyles, or supports the regional economy. | commercial services to the existing community. |
| LU-1.2: Infill Development | We prefer new development to take place on existing vacant and underutilized lots where public services and infrastructure are available | Consistent. The Project Site is currently vacant. |
| LU-1.3 Fiscal sustainability | When determining fiscal impacts, we consider initial capital investments, long-term operations and maintenance, desired levels of service for public facilities and services, capital reserves for replacement, and impacts to existing uses in incorporated and unincorporated areas. | Consistent. The Proposed Project would pay its fair share in development impact fees. |
| LU-1.4 Funding and financing mechanisms | We require the establishment of community facility districts, lighting and landscaping maintenance districts, and other types of funding and financing mechanisms for new development when the County determines that it may be necessary to maintain fiscal sustainability. We prefer the expansion of existing districts to the establishment of new districts. | Consistent. The Proposed Project would pay its fair share in development impact fees. |
| LU-1.5 Development impact fees | We require payment of development impact fees to ensure that all new development pays its fair share of public infrastructure. | Consistent. Prior to development permits, the Proposed Project will pay development impact fees. |
| Policy LU-1.6 Tax sharing | We may utilize tax sharing as a tool to extend public facilities and services from adjacent municipalities into unincorporated areas as an alternative to the County's direct | Consistent. The Proposed Project will contribute to tax sharing through annual payment of property tax. |

| | | |
|---|---|--|
| | provision of public facilities and services when it is fiscally sustainable for the County | |
| LU-2.1 Compatibility with existing uses | We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development. | Consistent. The Proposed Project has been analyzed through this Initial Study to ensure less than significant impacts occur to adjacent and nearby property owners and/or neighbors. |
| LU-2.4 Land Use Map consistency | We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity | Consistent. The Proposed Project is consistent with the Land Use Map. However, the Project includes a request for a Zone Change from Bloomington/Rural Living (BL/RL-5) to a General Commercial Zoning District. With approval of the Zone Change, the Proposed Project will be consistent with the Zoning District. |
| LU-2.6 Coordination with adjacent entities | We require that new and amended development projects notify and coordinate with adjacent local, state, and federal entities to maximize land use compatibility, inform future planning and implementation, and realize mutually beneficial outcomes. | Consistent. The Proposed Project has been designed using development code standards and requires county approval prior to development. |
| LU-2.7 Countywide | We prioritize growth that furthers a countywide balance of jobs and housing to reduce vehicle miles | Consistent. The Proposed Project will create new job opportunities for the nearby |

| | | |
|---|---|---|
| jobs-housing balance | traveled, increase job opportunities and household income, and improve quality of life. We also strive for growth that furthers a balance of jobs and housing in the North Desert region and the Valley region. | residents and Bloomington community. |
| LU-2.10 Unincorporated commercial development | We intend that new commercial development in the unincorporated areas serve unincorporated residential areas, tourists, and/or freeway travelers. We encourage new commercial development to be concentrated to enhance pedestrian circulation and reduce vehicular congestion and vehicle miles traveled, with new development directed into existing centralized areas when possible. | Consistent. The Project design has been reviewed and approved by County Traffic Engineer and Planning Department. |
| LU-3.3 City/town standards in SOIs | Upon negotiation with individual jurisdictions, we may require new development in unincorporated municipal sphere of influence areas to apply the improvement standards for roads and sidewalks of the incorporated jurisdiction. | Consistent. As shown in Figure 3: Site Plan, the Proposed Project includes off-site improvements. The Project design has been reviewed and approved by County Traffic Engineer and Planning Department. |
| LU-4.3 Native or drought-tolerant landscaping | We require new development, when outside of high and very high fire hazard severity zones, to install and maintain drought-tolerant landscaping and encourage the use of native species. | Consistent. The Proposed Project will adhere to Development Code 83.10.060 "Landscape Area Requirements" which requires water efficient landscaping. |
| LU-4.5 Community identity | We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider | Consistent. The Proposed Project is consistent with the Values and Aspiration sections of the Bloomington Community Action Guide. The Proposed Project will provide convenient places for shopping, fueling and dining. |

| | | |
|------------------------------------|--|---|
| | the aspirations section of Community Action Guides in our review of new development. | |
| LU-6.3 Commercial amendments | We will only approve Land Use Plan amendments that would introduce new commercial areas in the context of a comprehensive Land Use Plan amendment. We may waive this requirement when the proposed amended area abuts an existing or designated commercial area and the amount of land available for new commercial uses falls below 15 percent of the total commercially-designated land in the area. | Consistent. The Proposed Project includes a Zone Change from Bloomington/Rural Living (BL/RL-5) to a Bloomington/Neighborhood Commercial (BL/CN) Zoning District. |

The Project Site is located within the Community of Bloomington. According to the Countywide Plan, the Project Site has a land use category of Commercial and is zoned Rural Living RL-5). The applicant is requesting a Zone Change from Rural Living (RL-5) to a General Commercial (CG) Zoning District and a conditional use permit for fuel sales (service station). The community of Bloomington is an environmental justice community and is considered a sensitive environment as identified in the Countywide Plan. The Proposed Project area includes single-family residential dwelling units located the east, west, north and south.

Although not required to meet Countywide Plan policies related to environmental justice, the Applicant has initiated a Community Outreach effort and held two meetings within the community to inform the residents and any other interested parties of the Proposed Project. The first meeting was conducted with the Bloomington MAC group on 11/2/2022, where the Board members of the Bloomington MAC group introduced the project to the public. The second meeting was conducted on 12/07/2022 and gave a formal presentation to the MAC group and Public. The applicant, David Mynarski, answered questions from the public and Environmental Justice organizations. Other issues related to environmental justice are associated with air quality, health risk, and noise; these issues are addressed in other sections of this Initial Study. With approval of the Zone Amendment from RL-5 to a CG Zoning District and a CUP, the Proposed Project would be an allowable use. No significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

| <i>Issues</i> | | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|--|--|---|---|-------------------------------------|--------------------------|
| XII. MINERAL RESOURCES - Would the project: | | | | | |
| a) | Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

Countywide Plan; Mineral Land Classification

- a) *Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?*

The Project Site occurs within Mineral Resource Zone 3 (MRZ-3).²⁹ An MRZ-3 zone is an area containing known or inferred mineral occurrences of undetermined mineral resource significance. An area with undetermined mineral significance would not be valuable to the region or residents of the state until its mineral significance is confirmed. Moreover, the Project Site is surrounded residential uses. The current surrounding uses are not compatible for mineral resource extraction. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- 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?*

The Project Site has a current land use category of Commercial. Although the Project Site is within an MRZ-3 zone, the size of the property and surrounding uses make the site unsuitable for mineral resources extraction. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

²⁹ San Bernardino Countywide Plan, NR-4 Mineral Resource Zones Map. Accessed 1/20/2023.

| Issues | | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|---|--|---|---|-------------------------------------|-------------------------------------|
| XIII. NOISE - Would the project result in: | | | | | |
| a) | Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) | Generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION: (Check if the project is located in the Noise Hazard Overlay District ☐ or is subject to severe noise levels according to the Countywide Plan Noise Element ☐):

Countywide Plan; Noise Impact Analysis, Ganddini Group, June 23, 2023

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

A Noise Impact Analysis, dated December 22, 2022 and updated June 9, 2023, was prepared for the Proposed Project by Ganddini Group Inc. and is available at County offices for review. The noise study provides information regarding noise fundamentals, sets out the local regulatory setting, presents the study methods and procedures for transportation related Community Noise Equivalent Level (CNEL) traffic noise analysis, and evaluates the future exterior noise environment. It also includes an analysis of the potential Project-related long-term stationary-source operational noise and short-term construction noise and vibration impacts.

Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum.

The Project Site is bordered by single-family residential uses to the north, south, east, and west as well as Cedar Avenue to the west and San Bernardino Avenue to the south.

The State of California defines sensitive receptors as those land uses that require serenity or are otherwise adversely affected by noise events or conditions. Schools, libraries, churches, hospitals, single and multiple family residential, including transient lodging, motels and hotel uses make up the majority of these areas. Sensitive land uses that may be affected by project noise include the existing single-family residential uses located adjacent to the north and east and approximately 80 feet south (across San Bernardino Avenue), 100 feet west (across Cedar Avenue), and 165 feet southwest (across the intersection of Cedar Avenue and San Bernardino Avenue) of the project site. Multi-family residential uses are also located approximately 80 feet east of the project site along Vine Street.

On-Site Construction Modeled construction noise levels reach up to 79.1 dBA Leq at the nearest residential property line to the north of the project site, 72.8 dBA Leq at the nearest residential property line to the east of the project site, 75 dBA Leq at the nearest residential property line to the south of the project site, and 70.2 dBA Leq at the nearest residential property line to the west of the project site.

Construction noise sources are regulated within Section 83.01.080(g)(3) of San Bernardino County Development Code which exempts construction activities other than between the hours of 7:00 AM and 7:00 PM, except Sundays and Federal holidays.

Project construction will not occur outside of the hours outlined as “exempt” in County of San Bernardino Development Code Section 83.01.080(g)(3) and therefore, will not result in or generate 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.

In addition to adherence to San Bernardino County Development Code which limits the construction hours of operation, the project applicant will include the following Best Management Practices (BMPs) on project plans and in contract specifications to further reduce construction noise emanating from the proposed project:

Construction Noise - Best Management Practices

1. All construction equipment whether fixed or mobile, will be equipped with properly operating and maintained mufflers, consistent with manufacturer standards.
2. All stationary construction equipment will be placed so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
3. As applicable, all equipment shall be shut off when not in use.
4. To the degree possible, equipment staging will be located in areas that create the greatest distance between construction-related noise and vibration sources and existing sensitive receptors.

5. Jackhammers, pneumatic equipment, and all other portable stationary noise sources will be directed away and shielded from existing residences in the vicinity of the project site. Either one-inch plywood or sound

blankets can be utilized for this purpose. They should reach up from the ground and block the line of sight between equipment and existing residences. The shielding should be without holes and cracks.

6. No amplified music and/or voice will be allowed on the project site.

7. Haul truck deliveries will not occur outside of the hours presented as exempt for construction per County of San Bernardino Development Code within Section 83.01.080(g)(3).

Off-Site Construction

Construction truck trips would occur throughout the construction period. Given the project site's proximity to the 10 Freeway, it is anticipated that vendor and/or haul truck traffic would take the most direct route to the appropriate freeway ramps.

According to the FHWA, the traffic volumes need to be doubled in order to increase noise levels by 3 dBA CNEL. The estimated existing average daily trips along Cedar Avenue in the vicinity of the project site range between 22,700 to 39,700 average daily vehicle trips and along San Bernardino Avenue in the vicinity of the project site range between 6,000 to 7,900 average daily vehicle trips. As estimated using CalEEMod, the greatest number of construction-related vehicle trips per day would be during grading at up to 20 vehicle trips per day (worker trips). Therefore, the addition of project vendor/haul trucks and worker vehicles per day along off-site roadway segments would not be anticipated to result in a doubling of traffic volumes. Off-site project generated construction vehicle trips would result in a negligible noise level increase and would not result in a substantial increase in ambient noise levels. Impacts would be less than significant. No mitigation measures are required.

Operational Noise

During operation, the proposed project is expected to generate approximately 9,271 average daily trips with 277 trips during the AM peak-hour and 317 trips during the PM peak-hour. Existing traffic noise levels range between 64 to 78 dBA CNEL at the right-of-way and the modeled Existing Plus Project traffic noise levels range between 65 to 78 dBA CNEL at the right-of-way. Project generated vehicle traffic is anticipated to increase the noise between 0.09 to 1.11 dBA CNEL. Project generated operational vehicle traffic will not result in substantial increases in ambient noise levels. This impact would be less than significant; no mitigation is required.

The California Environmental Quality Act (CEQA) qualifies an increase in ambient noise levels as an increase that exceeds standards established in the local general plan or noise ordinance. The project operation would result in noise impacts to surrounding sensitive receptors shown on Figure 6 – Sensitive Receptors. The project operation would result in an increase in ambient noise levels less than zero at Receptors 1, 2, 4, 7 and 8, and increases of 1.8, 5.4, and 11.2 dBA Leq at receptors 3, 5 and 6 respectively,

without mitigation. Increases at receptors 3, 5 and 6 would also result in violations of the County's stationary noise source standards. Therefore, project operational noise would result in substantial increases in ambient noise levels without mitigation. As such, mitigation scenario achieves daytime noise standards by adding an 8-foot barrier and limiting operation of the car wash and vacuum to daytime hours only (7:00 AM to 10:00 PM). The 8-foot wall achieves daytime standards but not nighttime standards. The 8-foot wall with hours of operation limited to daytime hours, achieves both daytime and nighttime noise standards. The wall would be required to be constructed extending east from the existing 8-foot concrete barrier to the northeastern property line and also along the eastern side of the proposed trash enclosure (refer to Figure 6). Project operational noise impacts would be less than significant with implementation of the Mitigation Measure N—1 Below:

Mitigation Measure N-1:

The Proposed Project shall include an eight- foot high concrete barrier constructed extending east from the existing 8-foot concrete barrier to the northeastern property line and also along the eastern side of the proposed trash enclosure, and a limitation on car wash operating hours (7:00 AM to 10:00 PM)

Less than Significant with Mitigation

b) *Generation of excessive groundborne vibration or groundborne noise levels?*

Per the FTA *Transit Noise and Vibration Impact Assessment Manual* (7), vibration is the periodic oscillation of a medium or object. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The human body responds to average vibration amplitude often described as the root mean square (RMS). The RMS amplitude is defined as the average of the squared amplitude of the signal and is most frequently used to describe the effect of vibration on the human body. Decibel notation (VdB) is commonly used to measure RMS. Decibel notation (VdB) serves to reduce the range of numbers used to describe human response to vibration.

Construction Vibration

The nearest off-site structures include the single-family residential dwelling units located as close as approximately 10 feet east of the project's eastern property line, 21 feet north of the project's northern property line, 95 feet south of the project's southern property line, and 108 feet west of the project's western property line (refer to Figure 6). Temporary vibration levels associated with project construction could exceed the threshold at which there is a risk to "architectural" damage to older residential structures PPV of 0.3 in/sec PPV and the County's threshold of 0.2 in/sec PPV at the residential structures east. In addition, in regard to vibratory rollers, the vibration levels at the residential uses to the north may also exceed the County's threshold of 0.2 in/sec PPV. However, it is anticipated that project construction will occur within the exempt hours as identified in Section 83.01.090(c) of the County's Development Code. A best management practice limiting the use of vibratory rollers within 20 feet and large bulldozers within 12 feet of the residential structures to the east will reduce potential impacts. The project does not propose any non-construction related sources of ground-

borne vibration. Temporary vibration levels associated with project construction would be less than significant; no mitigation is required.

Annoyance - Groundborne vibration becomes strongly perceptible to sensitive receptors at a level of 0.1 in/sec PPV. Therefore, project construction could cause annoyance to the residential uses to the east and north of the project site. However, annoyance will be short-term and will occur only during site grading and preparation which will be limited to daytime hours. Less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?*

The Project Site is not within an airport safety review area or Airport Runway Protection Zone.³⁰ The Project Site is not located within the vicinity of a private or public airstrip. The nearest airport is San Bernardino International Airport, which is approximately 5.8 miles east of the Project Site. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

Therefore, potential impacts can be reduced to less than significant level with implementation of mitigation measures above.

| <i>Issues</i> | | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|---|--|---|---|-------------------------------------|-------------------------------------|
| XIV. POPULATION AND HOUSING - Would the project: | | | | | |
| a) | Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

³⁰ San Bernardino Countywide Plan Draft EIR. Hazards and Hazardous Materials. Figure 5.8-2 "Airport Safety Zones."

SUBSTANTIATION:

Countywide Plan; Submitted Project Material

- 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)?*

The Proposed Project is estimated to require a maximum of 15 employees. The unemployment rate for the San Bernardino County area is currently estimated to be at 4.2 percent. The Proposed Project would provide employment opportunities for the area and jobs are anticipated to be filled by the local labor pool. Construction activities would be temporary and would not attract new employees to the area. The Proposed Project does not involve construction of new homes, or extension of roads or other infrastructure and would therefore not induce unplanned population growth either directly or indirectly. No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- b) *Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The Project Site is currently vacant. Implementation of the Proposed Project would not require construction of replacement housing elsewhere. No housing or people would be displaced. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

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

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

Other Public Facilities?

☐
☐
☐
☒

SUBSTANTIATION:

Countywide Plan, 2020

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

Fire Protection?

The San Bernardino County Fire Department (SBCFD) serves the area of the Project Site. The nearest Fire Station is located at San Bernardino County Fire Station 77, at 17459 Slover Ave, approximately 1.9 miles southwest of the Project Site. The Proposed Project would be required to comply with County fire suppression standards and provide adequate fire access subject to County Fire Marshal approval. The SBCFD reviews staffing needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection. Property tax revenues provide funding to offset potential increases in the demand for fire services. The Proposed Project would receive adequate fire protection services and would not result in the need for new or physically altered fire protection facilities. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

Police Protection?

The San Bernardino County Sheriff's Department (SBCSD) serves the Community of Bloomington and other unincorporated portions of the County. The nearest police station to the Project Site is the SBCSD station located at 17780 Arrow Boulevard, approximately 1.5 miles northwest of the Project Site. The Proposed Project use is not typically related to a high demand for law enforcement response. The SBCSD reviews staffing needs on a yearly basis and adjusts service levels as needed to maintain an adequate level of public protection. Property tax revenues provide funding to offset potential increases in the demand for police services. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

Schools?

The Proposed Project does not include development of residential dwelling units; therefore, no new population or students would be generated that would impact the Colton Joint Unified School District. Construction activities would be temporary and would not result in substantial population growth. Employees required for operations are expected to come from the local labor force. The Proposed Project is not expected to draw any new residents to the region that would require expansion of existing schools.

or additional schools. With the collection of school district fees, impacts related to school facilities are expected to be less than significant. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

Parks?

The Proposed Project would neither induce residential development nor significantly increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of any facilities would result. Operation of the Proposed Project would place no demands on parks because it would not involve the construction of housing and would not involve the introduction of new population into the area. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

Other Public Facilities?

The Proposed Project would not result in an increased residential population or a significant increase in the work force. Implementation of the Proposed Project would not adversely affect other public facilities or require the construction of new or modified facilities. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

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

| <i>Issues</i> | | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|------------------------|--|---|---|----------------------------------|-------------------------------------|
| XVI. RECREATION | | | | | |
| a) | Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?*

Employees are expected to come from the local labor force. The Proposed Project does not include development of residential housing or other uses that would lead to substantial population growth. Therefore, the Proposed Project would not result in an increase in the use of existing neighborhood or regional parks, or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated. Property tax revenues provide funding to offset potential increases in demand for services. No impacts are identified or anticipated, and no mitigation measures are required.

No Impact

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The Proposed Project does not include the construction or expansion of recreational facilities. The employees required for the operations of the Proposed Project would come from the local labor force. No recreational facilities would be removed, and the addition of employees would not create the need for additional facilities. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

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

| <i>Issues</i> | | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|--|---|---------------------------------------|---|-------------------------------------|-------------------------------------|
| XVII. TRANSPORTATION – Would the project: | | | | | |
| a) | Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Substantially increase hazards due to a geometric design feature (e.g., sharp curves | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|--|---|---|-------------------------------------|--------------------------|
| or dangerous intersections) or incompatible uses (e.g., farm equipment)? | | | | |
| d) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

Countywide Plan; Traffic Analysis, Ganddini Group Inc., June 9, 2023

- a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

A Traffic Impact Analysis (TIA), dated June 9, 2023, was prepared for the Proposed Project by Ganddini Group, Inc. (available at County offices for review). The purpose of the TIA is to evaluate the potential circulation system deficiencies that may result from the development of the Proposed Project, and where necessary, recommend improvements to achieve acceptable operations consistent with General Plan level of service goals and policies. The TIA has been prepared in accordance with the San Bernardino County Congestion Management Program (CMP) Guidelines for CMP Traffic Impact Analysis Reports, the County of San Bernardino Transportation Impact Study Guidelines, the California Department of Transportation (Caltrans) Guide for the Preparation of Traffic Impact Studies, and consultation with County staff during the TIA scoping process.

Countywide Plan Consistency

The Transportation and Mobility Element of the Countywide Plan:

- Establishes the location and operational conditions of the roadway network.
- Coordinates the transportation and mobility system with future land use patterns and projected growth.
- Provides guidance for the County's responsibility to satisfy the local and subregional mobility needs of residents, visitors and businesses in unincorporated areas.
- Addresses access and connectivity among the various communities, cities, towns, and regions, as well as the range and suitability of mobility options: vehicular, trucking, freight and passenger rail, air, pedestrian, bicycle, and transit.

Access to the Proposed Project will be provided by one driveway on Cedar Avenue and two driveways on San Bernardino Avenue. The Proposed Project is forecast to generate a total of approximately 9,247 new daily trips, including 277 new trips during the AM peak hour and 317 new trips during the PM peak hour. The following details how the Proposed Project would be consistent with the Countywide Plan goals and policies:

Goal TM 1: Unincorporated areas served by roads with capacity that is adequate for residents, businesses, tourists and emergency services.

Policy-1.7: We require new developments to pay its fair share contribution towards off-site transportation improvements.

Consistent: Prior to the issuance of building permits, the Project Applicant shall pay the Project's fair share contribution, as detailed in Chapter 8 of the May 5, 2023 Traffic Impact Analysis.

Goal TM-2: Roads designed and built to standards in the unincorporated areas that reflect the rural, suburban, and urban context as well as the regional (valley, mountain, and desert) context.

Policy TM-2.2: We require roadway improvements that reinforce the character of the area, such as curbs and gutters, sidewalks, landscaping, street lighting, and pedestrian and bicycle facilities. We require fewer improvements in rural areas and more improvements in urbanized areas, consistent with the Development Code. Additional standards may be required in municipal spheres of influence.

Consistent: The Proposed Project would include landscaping within the Project Site and curbs, gutters, sidewalks in the public right-of-way.

Policy TM-2.3: We require new development to mitigate project transportation impacts no later than prior to occupancy of the development to ensure transportation improvements are delivered concurrent with future development.

Consistent: Fair-share contributions would be paid prior to the issuance of building permits.

Policy TM-2.6: We promote shared/central access points for direct access to roads in unincorporated areas to minimize vehicle conflict points and improve safety, especially access points for commercial uses on adjacent properties.

Consistent: The Proposed Project will include three driveways; one drive on Cedar Avenue and two on San Bernardino avenue.

Goal TM-3: A pattern of development and transportation system that minimizes vehicle miles traveled (VMT).

Policy TM-3.1: We promote new development that will reduce household and employment VMT relative to existing conditions.

Consistent: The Proposed Project resides within a traffic analysis zone (TAZ) that generates VMT per employee that is 11.9% below the County existing VMT per employee threshold.

Policy TM-3.2: We support the implementation of transportation demand management techniques, mixed use strategies, and the placement of development in proximity to job and activity centers to reduce the number and length of vehicular trips.

Consistent: The Project Site is located within a developed area and surrounded by residential development. The Proposed Project is anticipated to be locally serving retail.

The Proposed Project would be consistent with the Transportation and Mobility Element of the Countywide Plan. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Bicycle and Pedestrian Facilities

According to the Countywide Plan TM-4: Bicycle & Pedestrian Planning shows that Class II Bicycle paths run along Cedar Avenue and San Bernardino Avenue.³¹ The development of the Proposed Project is not anticipated to impact the planned bicycle lane. Therefore, no significant impacts to bicycle and pedestrian facilities are anticipated.

Transit Service

The study area is currently served by Omnitrans, a public transit agency serving various jurisdictions within San Bernardino County, with bus service existing along San Bernardino Avenue.³² Transit service is reviewed and updated by Omnitrans periodically to address ridership, budget, and community demand needs. Changes in land use can affect these periodic adjustments which may lead to either enhanced or reduced service where appropriate. Therefore, no significant impacts to bicycle and pedestrian facilities are anticipated.

Less Than Significant Impact

- b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?*

Senate Bill 743 (SB 743), approved in 2013, endeavors to change the way transportation impacts will be determined according to the CEQA. In December 2018, the Natural Resources Agency finalized updates to CEQA Guidelines to incorporate SB 743 (i.e., Vehicle Miles Traveled [VMT]). A VMT Analysis, dated January 12, 2020, was prepared for the Proposed Project by Urban Crossroads, Inc. (available at County office). The VMT Analysis was done with the understanding that San Bernardino County utilizes the San Bernardino County Transportation Authority (SBCTA) VMT Screening Tool (Screening Tool).

The focus of the VMT Analysis is to more thoroughly evaluate each of the applicable screening thresholds to determine if the Proposed Project would be expected to cause a less-than-significant impact to VMT without requiring a more detailed VMT analysis.

The County Guidelines provides details on appropriate “screening thresholds” that can be used to identify when a proposed land use project is anticipated to result in a less-than-significant impact without conducting a more detailed analysis. Screening thresholds are broken into the following three types:

- Transit Priority Area (TPA) Screening
- Low VMT Area Screening

³¹ San Bernardino Countywide Plan, TM-4: Bicycle & Pedestrian Planning. 2020.

³² San Bernardino Countywide Plan, TM-2: Transit Network. 2020.

- Project Type Screening

A land use project needs to meet one of the above screening thresholds to result in a less-than-significant impact.

TPA Screening

Consistent with guidance identified in the Technical Advisory, the County Guidelines note that projects located within a Transit Priority Area (TPA) (i.e., within ½ mile of an existing “major transit stop” or an existing stop along a “high-quality transit corridor”) may be presumed to have a less than significant impact absent substantial evidence to the contrary. Based on the Screening Tool results, the Project Site is not located within ½ mile of an existing major transit stop, or along a high-quality transit corridor. The TPA screening threshold is not met.

Low VMT Area Screening

As noted in the Technical Advisory, “residential and office projects that are located in areas with low VMT and that incorporate similar features (density, mix of uses, and transit accessibility) will tend to exhibit similarly low VMT.” The Screening Tool uses the sub-regional San Bernardino Transportation Analysis Model (SBTAM) to measure VMT performance within individual traffic analysis zones (TAZ's) within the region. The Project Site's physical location, based on parcel number, is input into the Screening Tool to determine project generated VMT. The Proposed Project is located in TAZ 53749201 and APNs 025721101, 025721102, 025721103, and 025722101. The parcels containing the Proposed Project was selected and the Screening Tool was run for Production/Attraction (PA) Home-Based Work VMT per Worker measure of VMT.

County Guidelines indicate that projects with VMT per employee lower than 4% below the existing VMT per person for the unincorporated County are considered to have a less than significant impact. SBCTA has published VMT per employee values for the unincorporated County region for both the SBTAM Base Year (2016) model and the Horizon Year (2040) model. Based on the Screening Tool results, the VMT per Worker for TAZ 53749201 is 17.4. Using linear interpolation between the Base Year (2016) and Horizon Year (2040) VMT per employee values published by SBCTA for unincorporated County of San Bernardino, the unincorporated County existing (2020) VMT per employee is 19.74. Therefore, the Proposed Project resides within a TAZ that generates VMT per employee 11.9% below the County existing VMT per employee threshold.

In addition, a review of the socio-economic data contained within TAZ 53749201 was found to include retail employment type, which is consistent with the Proposed Project's land use. The Proposed Project is found to be located in a low VMT generating area and would be consistent with the underlying land use assumptions in the model.

Project Type Screening

The County Guidelines identifies that local serving retail projects less than 50,000 square feet may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition to local serving retail, other types of local serving uses (e.g., day care centers, non-destination hotels, affordable housing,

places of worship, etc.) may also be presumed to have a less than significant impact as their uses are local serving in nature and would tend to shorten vehicle trips. The Proposed Project is anticipated to be local serving retail and would be presumed to have a less than significant impact. The Project Type screening threshold is met.

The Proposed Project meets the Low VMT Area and Project Type screening and would therefore be presumed to result in a less than significant VMT impact. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The Project Site is not adjacent to windy roads. The intersection of Cedar Avenue and San Bernardino Avenue currently consists of traffic lights, which decreases potential safety hazards resulting from implementation of the Proposed Project. The Proposed Project is the development of a gas station/convenience store, car wash and drive-through restaurant and retail building. It does not include a geometric design or incompatible uses that would substantially increase hazards. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

- d) *Result in inadequate emergency access?*

Access along the southern frontage would be provided by a 40-foot driveway and 40-foot and 30-foot driveways along San Bernardino Avenue. Access along the western front of the Project Site would be provided by two 34-foot driveways along Cedar Avenue. The driveways are wide enough to allow evacuation and emergency vehicles simultaneous access. The Proposed Project would require approval by the San Bernardino County Fire Department to maintain adequate emergency access. Therefore, less than significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

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

| <i>Issues</i> | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|---------------|---|---|----------------------------------|----------------------|
|---------------|---|---|----------------------------------|----------------------|

XVIII. TRIBAL CULTURAL RESOURCES

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

- | | | | | | |
|-----|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| i) | Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ii) | A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION:

Phase I Cultural Resources Investigation, by?

- a) *i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or;*
- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

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

On August 9, 2022, Brian F. Smith and Associates, Inc. completed a Phase I Cultural Resources Investigation for the Project Site (available at the County offices). The investigation has been completed for compliance with the CEQA, as amended, the San Bernardino County policies and guidelines..

The Phase I survey of the Circle K Bloomington Project did not result in the identification of any cultural resources within the project's boundaries. Further, the records search did not identify any recorded prehistoric resources within one-half mile of the project and the most common resource types identified within the records search are associated with the historic built environment. However, the subject property did not historically contain any structures and was primarily utilized for agriculture. Therefore, given the lack of historic development/occupation within the property, coupled with the previous ground-disturbing activities associated with agricultural disturbance, there is minimal potential for archaeological resources to be encountered by the Proposed Project.

Brian F. Smith and Associates, Inc. initiated consultation with the Native American Heritage Commission (NAHC) for the nearby property to inquire about any recorded sacred or religious sites in Project Site. This consultation includes the Project Site. The NAHC completed a record search of their Sacred Lands File (SLF) and results were negative. This level of consultation is considered preliminary, leaving AB-52 consultation to the County, as they are responsible for government-to-government consultation.

On March 7, 2023, San Bernardino County mailed notification pursuant to AB52 to the following tribes: San Gabriel Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians, Morongo Band of Mission Indians, Yuhaaviatam of San Manuel Nation and Gabrieleno Band of Mission Indians - Kizh Nation. The Gabrieleno Band of Mission Indians/ KIZH Nation provided Tribal Mitigations Measures on June 29, 2023. As such, adherence to the Tribal Mitigation Measures below would ensure less than significant impacts;

TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleno Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.

D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)

A. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects

A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.

B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 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. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.

E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

Less than Significant with Mitigation

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

| <i>Issues</i> | | <i>Potentially Significant Impact</i> | <i>Less than Significant with Mitigation Incorporated</i> | <i>Less than Significant</i> | <i>No Impact</i> |
|--|---|---|---|-------------------------------------|-------------------------------------|
| XIX. UTILITIES AND SERVICE SYSTEMS - Would the project: | | | | | |
| a) | Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) | Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| SUBSTANTIATION: | | | | | |
| Countywide Plan; California Energy Commission Energy Report | | | | | |

- a) *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

According to the WVWD Adequate Service Certificate dated May 10, 2023, there are currently existing adequate source, storage, and distribution line capacities to provide potable water to the Project Site. The City of Rialto has confirmed that it will provide sewer service for the Proposed Project. The Proposed Project will connect to existing sewer lines along San Bernardino Avenue. All of the wastewater flows from the City's service area, which includes the Project Site are delivered to the City's Wastewater Treatment Plant on Richmond Avenue. The Plant provides tertiary treatment prior to discharge to the Santa Ana River and currently treats 7-8 million gallons of sewage every day. An expansion of the plant has been designed and is under construction as of June 2023. The Proposed Project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities.

Storm flows will be collected by on-site catch basins and conveyed, via the on-site storm drain, to the underground infiltration system. In accordance with San Bernardino County's drainage requirements, the infiltration system will be sized to retain the difference in runoff volume between the proposed condition and the existing condition for the 100-year storm. Storm flows that exceed the capacity of the infiltration system will be transported off-site through a proposed curb inlet catch basin located on San Bernardino Avenue. The Proposed Project would not require an expansion of existing off-site drainage facilities.

Southern California Edison (SCE) provides electrical service to the project area. The Proposed Project will receive electrical power by connecting to SCE's existing power lines along San Bernardino Avenue, south of the Project Site. The increased demand is expected to be sufficiently served by the existing SCE electrical facilities. Total electricity demand in SCE's service area is estimated to increase by approximately 12,000 Gigawatt hours between the years 2015 and 2026. The increase in electricity demand from the Proposed Project as previously presented (see Section VI. Energy) would represent an insignificant percent of the overall demand in SCE's service area. The Proposed Project would not require the expansion or construction of new electrical facilities.

Southern California Gas Company (SoCalGas) would provide natural gas service to the Project Site. Therefore, the Proposed Project would connect to SoCalGas' high-pressure distribution lines along San Bernardino Avenue. The natural demand from the Proposed Project as previously presented would represent an insignificant percent of the overall demand in SCE's service area. The Proposed Project would not require the expansion or construction of new natural gas facilities.

The Proposed Project will be served by AT&T for telecommunication services. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- b) *Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The San Bernardino Valley Municipal Water District (SBVMWD) is a regional water management agency that covers about 325 square miles in southwestern San Bernardino County, including the Community of Bloomington. Water supply to the Project Site would be provided by the West Valley Water District (WVWD), a retailer within the boundaries of the SBVMWD. According to the 2020 Upper Santa Ana River Watershed Urban Water Management Plan, during a five year drought, the total water supply for the region is to be 519,910 acre-feet, while the total five year drought water demand is projected to be 410,712 AF in the same year, resulting in a surplus of 108,698 AF. Therefore, water supplies are sufficient to meet demand within the district's service area.

During operations of the Proposed Project, water would be required for management of the landscape, and building. It does not include uses that are water intensive. An Adequate Service Certification dated May 10, 2023 by WVWD states that there is currently existing adequate source, storage, and distribution line capacities to provide potable water to the referenced site in sufficient quantities to satisfy the domestic water service and fire protection requirements of the proposed use.

There are no groundwater recharge facilities in the area; the Proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede substantial groundwater management of the basin.³³ Moreover, implementation of the project Best Management Practices (BMPs) would ensure that stormwater discharge does not substantially alter the existing drainage pattern and water quality, thereby allowing runoff from the Project Site to be utilized as a resource that can eventually be used for groundwater recharge. No significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- c) *Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?*

According to City of Rialto General Plan, the City owns, operates, and maintains the local public sanitary sewer system, which includes a wastewater collection system and treatment plant that serve most properties within the City limits. All of the wastewater flows from the City's service area, which includes the Project Site are delivered to the City's Wastewater Treatment Plant on Richmond Avenue. The Plant provides tertiary treatment prior to discharge to the Santa Ana River and currently treats 7-8 million gallons of sewage every day. An expansion of the plant has been designed and is under construction as of June 2023. The Proposed Project would not generate more wastewater than planned by the City as the proposed use is consistent with the land use

³³ 2020 Upper Santa Ana River Watershed Integrated Regional Urban Water Management Plan, Table 5-7. Regional Water Budget Summary for a 5-Year Drought (AFY). Page 5-17.

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

No Impact

- d) *Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

The Project Site is located approximately 5.0 miles southeast of the West Valley Transfer Station and approximately 5.0 miles south of the Mid-Valley Landfill. According to the CalRecycle's estimated solid waste generation rates for the commercial sector, the Proposed Project would generate at most, approximately 341 pounds of solid waste per day, based on 13 pounds per 1,000 sq ft per day.³⁴ The Mid-Valley Sanitary Landfill currently has a maximum permitted throughput of 7,500 tons/day.³⁵

Waste generated from the Proposed Project is not expected to significantly impact the solid waste collection systems. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Burrtec is the franchise waste hauler for the general area. The purpose of California Assembly Bill 341 is to reduce greenhouse gas emissions by diverting commercial solid waste from landfills by recycling. It mandates businesses and public entities generating 4-cubic yards or more of trash to establish and maintain recycling services. County of San Bernardino, Department of Public Works, Solid Waste Management Division reviews and approves all new construction projects which are required to submit a Construction and Demolition Solid Waste Management Plan. The mandatory requirement to prepare a Construction and Demolition Solid Waste Management Plan would ensure that impacts related to construction waste would be less than significant.

A project's waste management plan is to consist of two parts which are incorporated into the Conditions of Approval by the County. As part of the plan, projects are required to estimate the amount of tonnage to be disposed and diverted during construction. Additionally, projects must provide the amount of waste that will be diverted and disposed of. Disposal/diversion receipts or certifications are required as a part of that summary.

The Proposed Project would comply with all federal, State, and local statutes and regulations related to solid waste. Solid waste produced during the construction phase or operational phase of the Proposed Project would be disposed of in accordance with all applicable statutes and regulations. Therefore, no significant adverse impacts are identified or anticipated, and no mitigation measures are required.

³⁴ <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>. Accessed March 30, 2023.

³⁵ San Bernardino Countywide Plan Draft EIR. Geology and Soils. Table 5.18-9 "Landfill Capacity: Landfills Serving Unincorporated San Bernardino County"

Less Than Significant Impact

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

| Issues | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| XX. WILDFIRE: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project: | | | | |
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from 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 resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| SUBSTANTIATION: | | | | |
| San Bernardino Countywide Plan; CalFire VHFHSZ in LRA | | | | |

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

The Project Site is not located within a Very High Fire Hazard Severity Zone.³⁶ The Project Site does not contain any emergency facilities. The I-10 freeway is an evacuation route within the Valley Region of the County. The Project Site is at the northwest corner of Cedar Avenue and San Bernardino Avenue, approximately 0.5 miles feet north of I-10. Adequate on-site access for emergency vehicles would be verified during the County's plan review process. During construction, the contractor would be required to maintain adequate emergency access for emergency vehicles as

³⁶ San Bernardino Countywide Plan, HZ-5 Fire Hazards Severity Zones. 2020.

required by the County. Operations at the site would not interfere with an adopted emergency response or evacuation plan. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?*

The Project Site is relatively flat. It is not located within a Very High Fire Hazard Severity Zone.³⁷ The Project Site is currently vacant. It is surrounded by single-family residences. No wildlands occur within the vicinity. Due to the lack of wildfire fuel factors within the Project Site, the risk of wildfires is low. Therefore, no significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

- c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water resources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The Proposed Project is the development gas station/convenience store, car wash and restaurant. It does not require the installation or maintenance of associated infrastructure that would exacerbate fire risk as the immediate area surrounding the Project Site is developed. Therefore, no impacts are identified or anticipated, and no mitigation measures are required.

No Impact

- d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The Project Site is relatively flat. Therefore, it would not be subject to post-fire slope instability. The Project Site is not within a 100-Year Federal Emergency Management Agency (FEMA) flood zone, 100-year Department of Water Resources Awareness Zone, or a 500-year FEMA flood zone.³⁸ Moreover, there are no dams, reservoirs, or large bodies of water near the Project Site. The Proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No significant impacts are identified or anticipated, and no mitigation measures are required.

Less Than Significant Impact

³⁷ San Bernardino Countywide Plan, HZ-5 Fire Hazards Severity Zones. 2020.

³⁸ San Bernardino Countywide Plan, HZ-5 Fire Hazards Severity Zones. 2020.

| Issues | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant | No Impact |
|---|--------------------------------------|--|-------------------------------------|--------------------------|
| XXI. MANDATORY FINDINGS OF SIGNIFICANCE: | | | | |
| a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a) <i>Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i> | | | | |

ELMT Consulting found no active nests or birds displaying nesting behavior were observed during the field survey, the Proposed Project may have potential significant impacts on nesting birds. Therefore, Mitigation Measure BIO-1 should be implemented. Brian Smith and Associates Inc (BFSa) conducted an archaeological records search for a one-half-mile radius around the project was requested by BFSa at the SCCIC at CSU Fullerton and the results indicated that there are five previously recorded resources located within one-half mile of the project, neither of which are located within the project's boundaries. The search did not indicate the presence of any visible archaeological resources within the Project Site, but the absence of positive results does not necessarily indicate the absence of resources. Construction activities, particularly grading, could potentially disturb human remains interred outside of a formal cemetery.

Therefore, to ensure less than significant impacts occur Mitigation Measures CR-1 and CR-2 will be implemented. BFSA states that fossil specimens are not associated with the younger Quaternary deposits, the older deposits have been known to yield fossils. Earth moving activities associated with construction may impact. Therefore, to ensure less than significant impacts occur Mitigation Measure GEO-2 and GEO-3 will be implemented.

Less than Significant with Mitigation

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

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

- (a) Cumulative impacts shall be discussed when the project's incremental effect is cumulatively considerable.
- (b) The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided of the effects attributable to the project. The discussion should be guided by the standards of practicality and reasonableness.

With implementation greenhouse gas reduction measures, the Proposed Project would be in compliance with the County's GHG reduction plan. Given this consistency, it is concluded that the project's incremental contribution to greenhouse gas emissions and their effects on climate change would not be cumulatively considerable.

Impacts identified in this Initial Study can be reduced to a less than significant impact. Therefore, no significant adverse impacts are identified or are anticipated, and no mitigation measures are required.

Less than Significant with Mitigation

- c) *Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?*

Bloomington, as is the case for most of Southern California, is located within a seismically active region. As stated in the soils report, the San Jacinto Fault is 5.06 miles from the Project Site. Although the potential for rupture on-site cannot be dismissed, it is considered low due to the absence of known faults within the immediate vicinity. Nonetheless, the Proposed Project would be required to comply with the California

Building Code requirements and the Uniform Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the San Bernardino County Fire Department. Furthermore, implementation of Mitigation Measure GEO-1 can reduce the potential environmental effects due to geological hazards.

All potential impacts have been thoroughly evaluated and have been deemed to be neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region, the local community or its inhabitants. The Proposed Project does not involve a General Plan Amendment or Zone change and therefore the County policies related to an Environmental Justice Community (which Bloomington is) are not applicable. At a minimum, the project will be required to meet the conditions of approval for the project to be implemented. It is anticipated that all such conditions of approval will further ensure that no potential for adverse impacts will be introduced by construction activities, initial or future land uses authorized by the project approval.

The incorporation of design measures, San Bernardino County policies, standards, and guidelines and proposed mitigation measures as identified within this Initial Study would ensure that the Proposed Project would have no significant adverse effects on human beings, either directly or indirectly on an individual or cumulative basis.

Less Than Significant Impact

Therefore, no significant adverse impacts are identified or anticipated with incorporation of mitigation measures.

Conclusion

This document evaluated all CEQA issues contained in the Initial Study Checklist form. The evaluation determined that either no impact or less than significant impacts would be associated with the issues of Aesthetics, Air Quality, Agriculture, Energy, Greenhouse Gases, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Utilities and Service Systems, and Wildfire. The issues of Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Transportation, and Tribal Cultural Resources require the implementation of mitigation measures as prescribed to reduce project specific and cumulative impacts to a less than significant level. The required mitigation has been proposed in this Initial Study to reduce impacts for these issues to a less than significant level.

Based on the evidence and findings in this Initial Study, San Bernardino County proposes to adopt a Mitigated Negative Declaration for the Bloomington Gas Station, Restaurant, and Commercial Center. A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) will be issued for this project by the County. The Initial Study and NOI will be circulated for 30 days of public comment. At the end of the 30-day review period, a final MND package will be prepared, and it will be reviewed by the County for possible adoption at a future County Planning Commission meeting, the date for which has yet to be determined. If you or your agency comments on the MND/NOI for this project, you will be notified about the meeting date in accordance with the requirements in Section 21092.5 of CEQA (statute).

MITIGATION MEASURES

Any mitigation measure, which are not 'self-monitoring' shall have a Mitigation Monitoring and Reporting Program prepared and adopted at time of project approval. Condition Compliance will be verified by existing procedure.

Biological Resources

Mitigation Measure BIO-1: Pre-Construction Nesting Bird Survey. Nesting bird surveys shall be conducted prior to any construction activities taking place during the nesting season to avoid potentially taking any birds or active nests. If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a no-disturbance buffer. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Cultural Resources

Mitigation Measure CR-1: In the event that any historic or prehistoric cultural resources are inadvertently discovered, all construction work in the immediate vicinity of the discovery shall stop and a qualified archaeologist shall be engaged to discuss the discovery and determine if further mitigation measures are warranted.

Mitigation Measure CR-2: If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ. A buffer must be established around the find (minimum of 50 feet) and the consulting archaeologist must also be notified.

If the remains are determined to be of Native American origin, the Coroner will contact the Native American Heritage Commission and the Most Likely Descendant (MLD) will be named. In consultation with the MLD, the County, project proponent, and consulting archaeologist, the disposition of the remains will be determined. Any costs incurred will be the responsibility of the project proponent/property owner.

If the remains are determined to be archaeological, but non-Native American, the consulting archaeologist will oversee the removal, analysis, and disposition of the remains. Any costs incurred will be the responsibility of the project proponent/property owner.

If the remains are determined to be of forensic value, the County Coroner will arrange for their removal, analysis, and disposition. The Coroner's activities will not involve any costs to the project proponent/property owner.

Geology and Soils

Mitigation Measure GEO-1: The recommendations in the Geotechnical Investigation Report reviewed and approved by the County Geologist shall be incorporated into the Proposed Project's design and construction specifications.

Mitigation Measure GEO-2: Based on the conclusions and recommendations of the July 2022 Paleontological Assessment, a Paleontological Resource Impact Mitigation Program (PRIMP) is recommended prior to approval of the grading permit.

Mitigation Measure GEO-3: Full-time monitoring of undisturbed Pleistocene old alluvial fan deposits at the project is warranted starting at the surface. For areas mapped as young alluvial fan deposits, full-time monitoring is recommended starting at a depth of five feet below the surface. If a fossil(s) is found at shallower depths, earth disturbance activities should be halted within a radius of 50 feet from the location of the fossil, and a qualified, project-level paleontologist shall be consulted to determine the significance of the fossilized remains.

Noise

Mitigation Measure N-1: The Proposed Project shall include an eight- foot high concrete barrier constructed extending east from the existing 8-foot concrete barrier to the northeastern property line and also along the eastern side of the proposed trash enclosure, and a limitation on car wash operating hours (7:00 AM to 10:00 PM).

Tribal Cultural Resources

Mitigation Measure TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well

as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.

D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)

A. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects

A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.

B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 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. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.

E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

GENERAL REFERENCES

California Department of Conservation, California Important Farmland Finder.
<https://maps.conservation.ca.gov/DLRP/CIFF/>. Accessed May 2023.

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LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
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PROPOSAL NO.: LAFCO SC#529

HEARING DATE: SEPTEMBER 18, 2024

RESOLUTION NO. 3406

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#529 - CITY OF RIALTO EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT (SHORECLIFF CAPITAL, LLC)

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

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

WHEREAS, an application for the proposed service extension in San Bernardino County was filed with the Executive Officer of this Local Agency Formation Commission in accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and determined that the filings are sufficient; and,

WHEREAS, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

WHEREAS, the Executive Officer has reviewed available information and prepared a report including his recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

WHEREAS, the public hearing by this Commission was called for September 18, 2024 at the time and place specified in the notice of public hearing; and,

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

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

RESOLUTION NO. 3406

DETERMINATIONS:

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

1. The project area, Assessor Parcel Number 0250-101-76, is within the sphere of influence assigned the City of Rialto and is anticipated to become a part of that City sometime in the future. Sewer service will be provided by the City of Rialto, whose boundary is already adjacent to the project area.

The requirements to receive sewer to the City is a condition of approval placed upon the project by the Land Use Services Department. Therefore, approval of the City of Rialto's request for authorization to provide sewer service is necessary in order to satisfy the conditions of approval for the project.

2. The City of Rialto Extraterritorial Wastewater Service Agreement between the City of Rialto and Shorecliff Capital, LLC being considered is for the provision of sewer service to Assessor Parcel Number 0250-101-76. This contract will remain in force in perpetuity or until such time as the area is annexed. Approval of this request for authorization will allow the property owner/developer and the City of Rialto to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Rialto for the extension of sewer service to the parcel are identified as totaling \$119,645.85. In addition, the property owner/developer will be responsible for the entire cost for the construction and installation of the sewer main extension and the sewer lateral extension.
4. Acting as the CEQA Lead Agency, the County of San Bernardino, as a function of its review for a Conditional Use Permit to construct a gas station with a convenience store, car wash, restaurant and a two-story multi-tenant commercial building on the 3.97-acre parcel prepared an environmental assessment and adopted a Mitigated Negative Declaration, which indicates that approval of the project will not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County's Initial Study and Mitigated Negative Declaration have been reviewed by the Commission and its staff who finds them to be adequate for the service contract decision.

The Commission certifies that it has reviewed and considered the County's Mitigated Negative Declaration and its environmental effects as outlined in the Initial Study prior to reaching a decision on the service contract and finds the information substantiating the Mitigated Negative Declaration is adequate for its use as CEQA Responsible Agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures, as these are the responsibility and jurisdiction of the County and/or others and are considered self-mitigating through implementation of the Conditions of Approval.

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

RESOLUTION NO. 3406

SECTION 2. CONDITION. The City of Rialto shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this service contract, including any reimbursement of legal fees and costs incurred by the Commission.

SECTION 3. The Local Agency Formation Commission for San Bernardino County does hereby determine to approve the service extension contract submitted by the City of Rialto to provide sewer service to Assessor Parcel Number 0250-101-76.

SECTION 4. The Commission instructs the Executive Officer of this Local Agency Formation Commission to notify the affected agencies that the application identified as LAFCO SC#529 - City of Rialto Extraterritorial Wastewater Service Agreement (Shorecliff Capital, LLC), has been approved.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

AYES: **COMMISSIONERS:**

NOES: **COMMISSIONERS:**

ABSENT: COMMISSIONERS:

* * * * *

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


I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of September 18, 2024.

DATED:

SAMUEL MARTINEZ
Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: SEPTEMBER 11, 2024 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #7: LAFCO 3269 – Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 and County Service Area SL-1 (Ramona Francis Annexation)

INITIATED BY:

City of Chino Council Resolution

RECOMMENDATION:

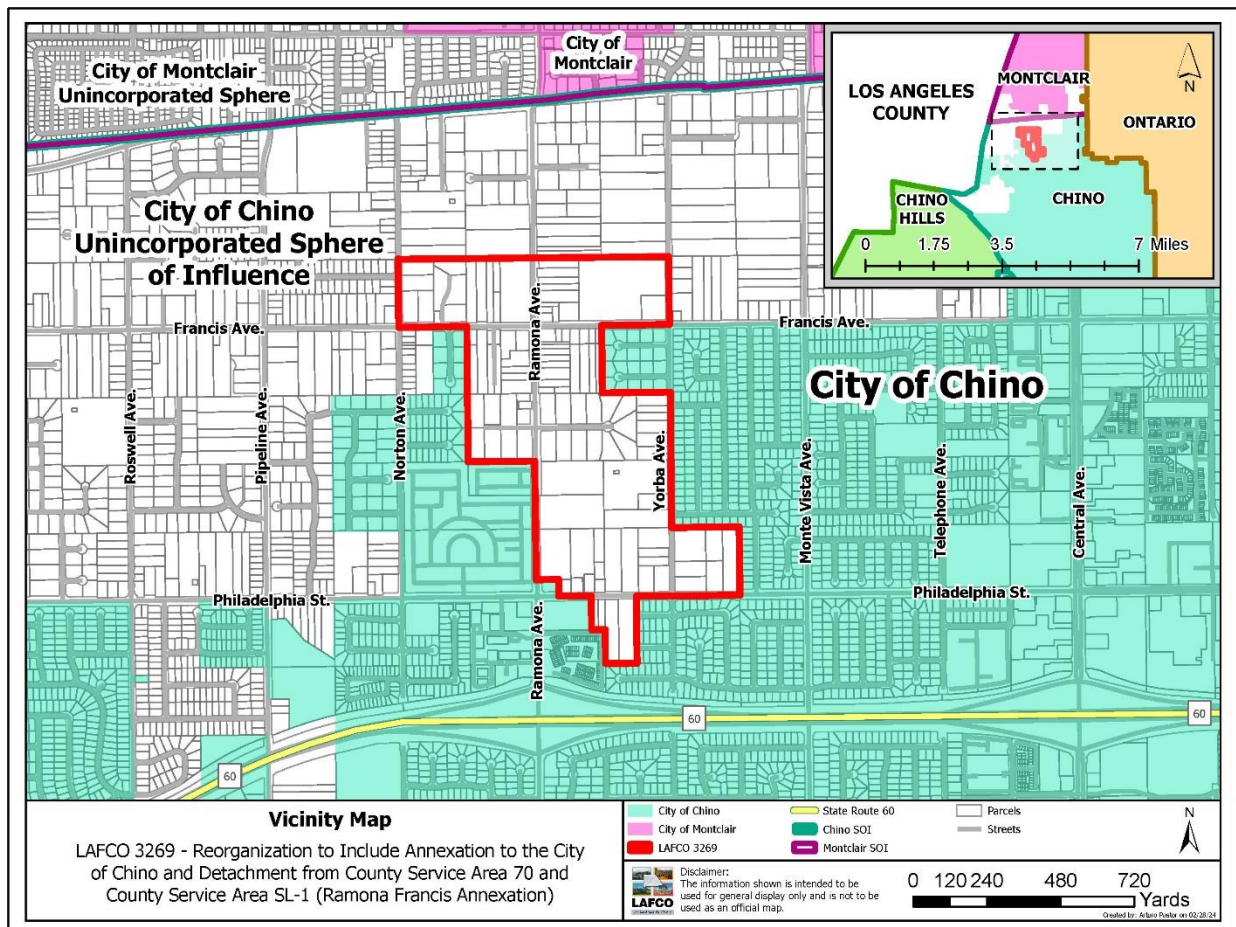
Staff recommends that the Commission approve LAFCO 3269 by taking the following actions:

1. With respect to environmental review:
 - a) Certify that the Commission, its staff, and its Environmental Consultant have independently reviewed and considered the City of Chino's Addendum to the City's General Plan Update Environmental Impact report (SCH #2008091064) for the Ramona Francis Annexation;
 - b) Determine that the City of Chino's environmental assessment and Mitigated Negative Declaration, as outlined in the Addendum, are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO 3269;
 - 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.

2. Amend LAFCO 3269 to include the detachment from County Service Area SL-1;
3. Approve LAFCO 3269, as modified, with the standard terms and conditions that include the “hold harmless” clause for potential litigation; and,
4. Adopt LAFCO Resolution No. 3407 setting forth the Commission’s findings and determinations concerning this proposal.

BACKGROUND:

LAFCO 3269 is a reorganization proposal initiated by the City of Chino (hereafter the “City”) that includes annexation to the City and detachments from County Service Area (“CSA”) 70 and CSA SL-1. The reorganization proposal, as submitted by the City, encompasses approximately 144.8 acres and is generally located north and south of Francis Avenue between Norton and Yorba Avenues, within the City’s sphere of influence.



The area is bounded by: parcel lines on the north; a combination of Francis Avenue, Ramona Avenue, and parcel lines (generally City of Chino boundaries) on the west; a combination of Philadelphia Street and parcel lines (City of Chino boundaries) on the south;

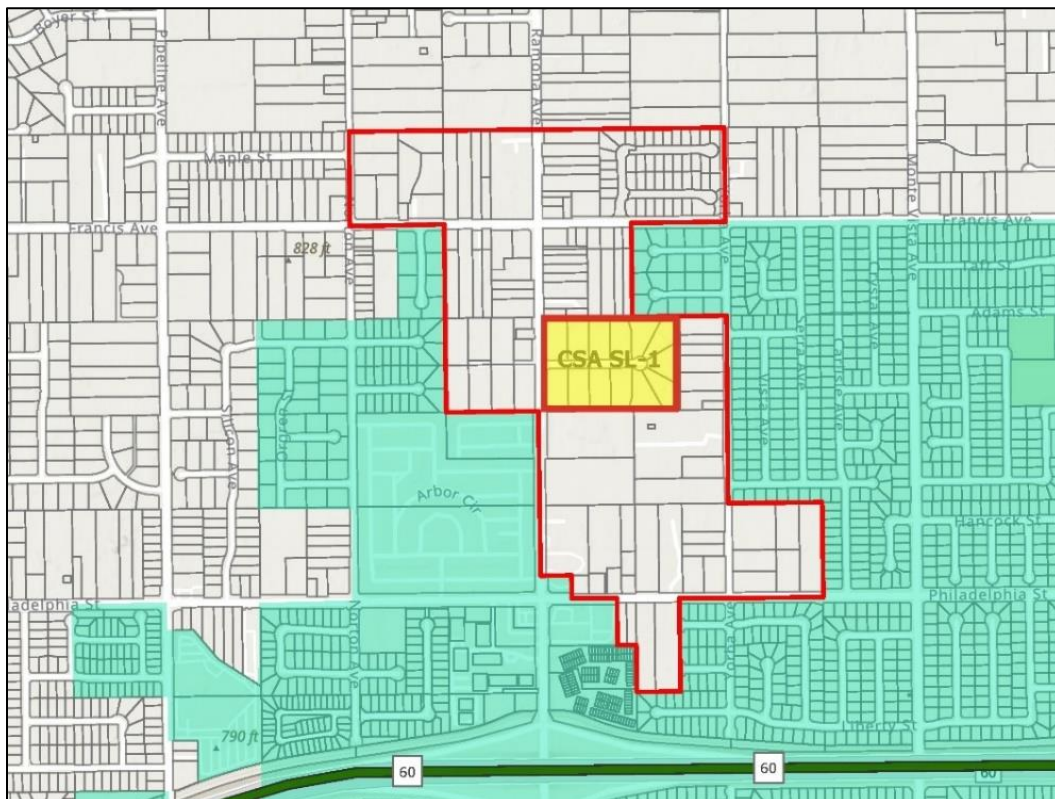
and a combination of Yorba Avenue and parcel lines (generally City of Chino boundaries) on the east.

The City's justification for the application is:

1. For the City to provide municipal-level services to the Yorba Villas Residential Project approved by the County Board of Supervisors located at the northwest corner of Francis and Yorba Avenues. This development comprises approximately 13 acres with 45 single family homes.
2. To annex the substantially surrounded island within its sphere of influence which would allow for municipal-level services to current residents and landowners and any future development through the City and its related service providers. The plan for service submitted by the City identifies that an additional 75 single family units could be constructed five years or more after annexation, but before 2040. This area is south of Francis Avenue.

The remaining area, north of Francis Avenue and west of the development is to provide for a logical service delivery boundary.

During the processing of the application, it was identified that a portion of the reorganization area was included in County Service Area SL-1 (a street lighting agency) which would need to be transferred to the City of Chino as part of the reorganization. LAFCO staff is recommending the amendment to the application to include this detachment.



Island Annexation Provisions:

As noted earlier, the city is annexing a substantially surrounded island. Although the proposed annexation is an island and would generally qualify as an “island” annexation as defined in Government Code Section 56375.3, which requires a Commission to approve the annexation of island territory without the ability of protest if several specific determinations can be made concerning the island. One of the determinations under the island provisions is that “It is not prime agricultural land...” as defined by LAFCO statutes. This specific determination cannot be made; therefore, this annexation will not be processed as an island annexation under the island provisions pursuant to said Section 56375.3. Instead, this reorganization will be processed as a regular city annexation – subject to Commission consideration and approval followed by protest proceedings.

Outreach by the City:

The City held a workshop on December 1 and an Open House on January 25 regarding the proposed annexation. For each, the City provided mailed notice.

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.

FACTORS OF CONSIDERATION:

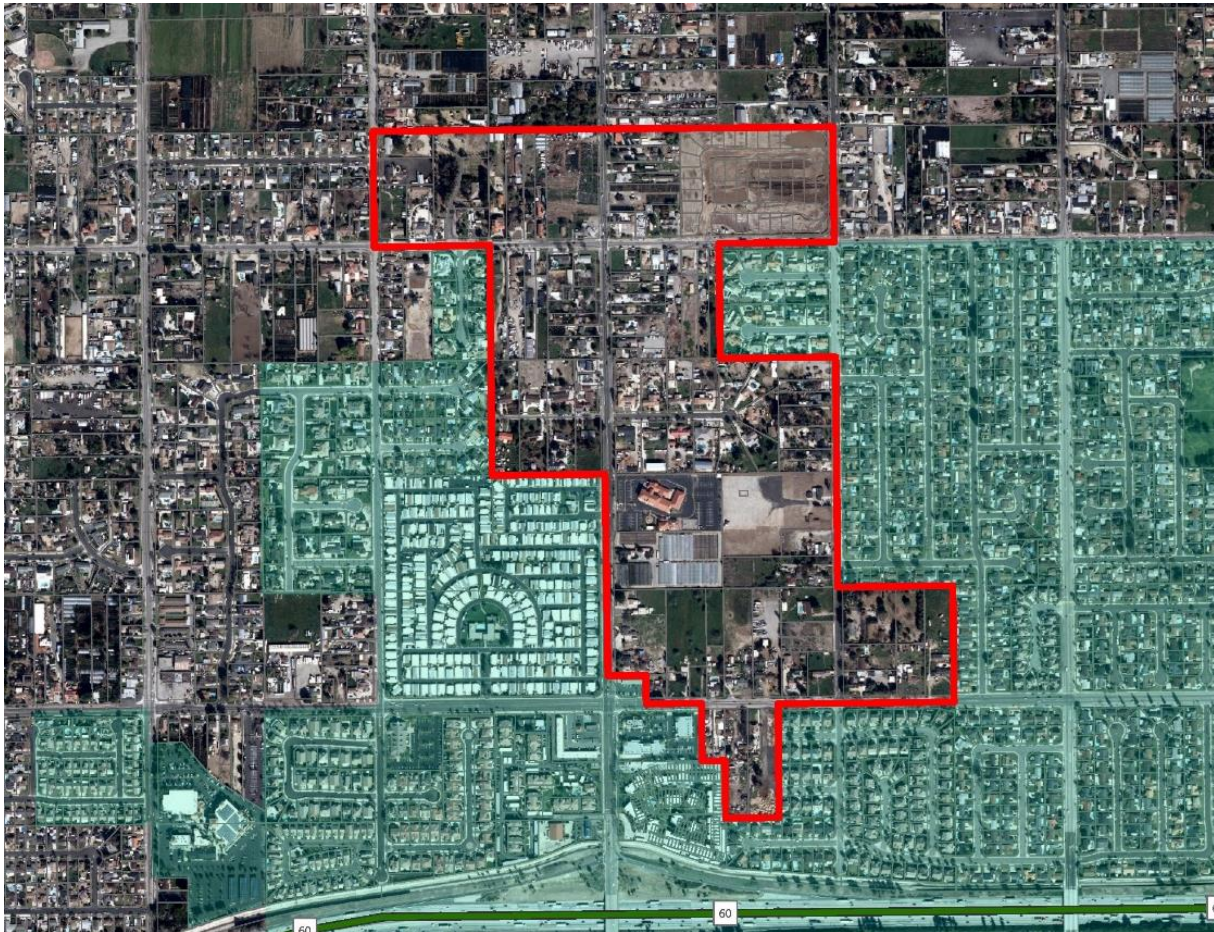
BOUNDARIES:

With the modification of the proposal to include the detachment of County Service Area SL-1, no other boundary issue has been identified with the City's application. It is LAFCO staff's position that this reorganization proposal provides for a logical boundary and annexes a substantially surrounded unincorporated island into the City.

LAND USE:

Existing Uses:

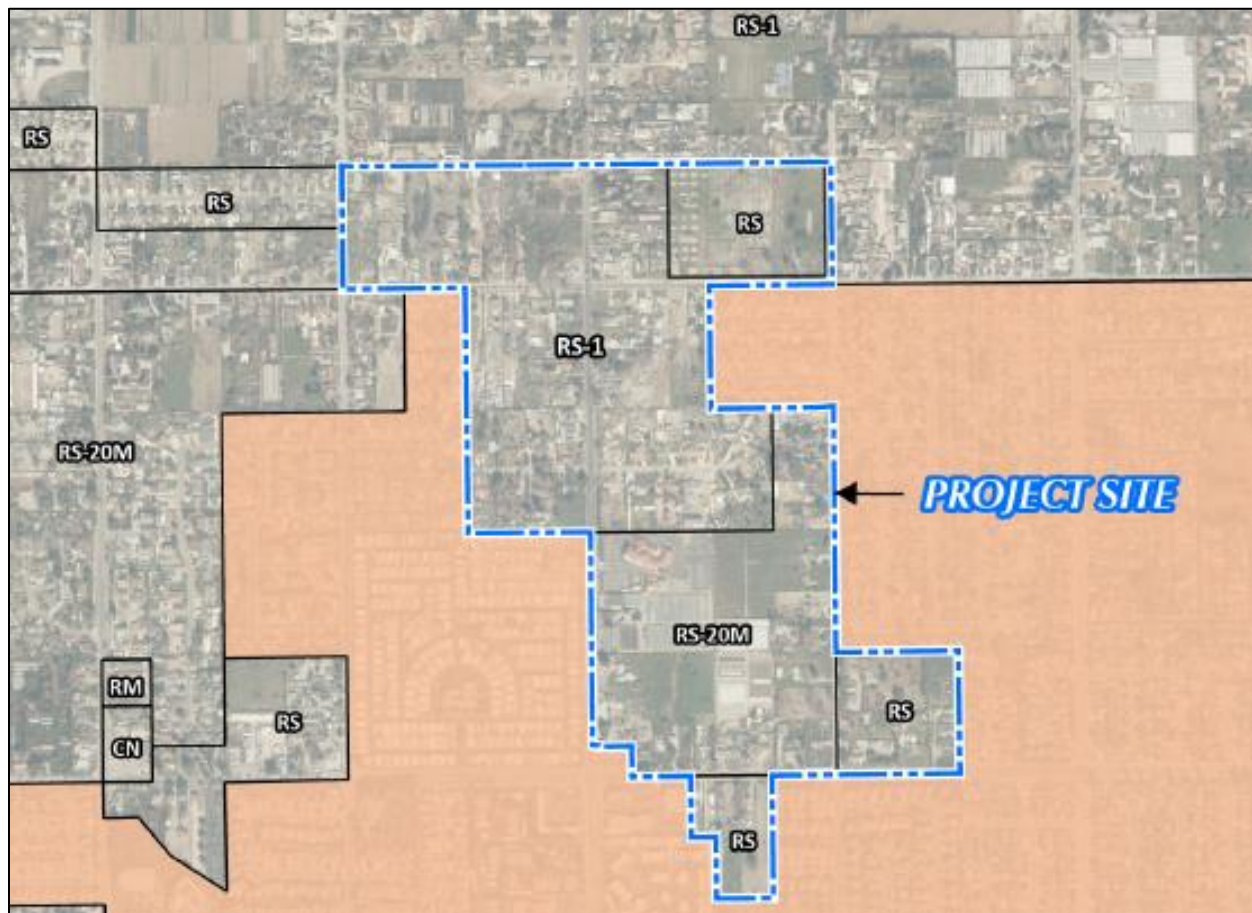
The reorganization area is a mix of single-family-residential, agricultural, a religious facility, a small market, and vacant lands. Existing uses directly surrounding the reorganization area include residential development to the west, north, and east, and a combination of residential and commercial development to the south. An aerial display of the general vicinity is shown below:



Aerial Map

County's Land Use Designation:

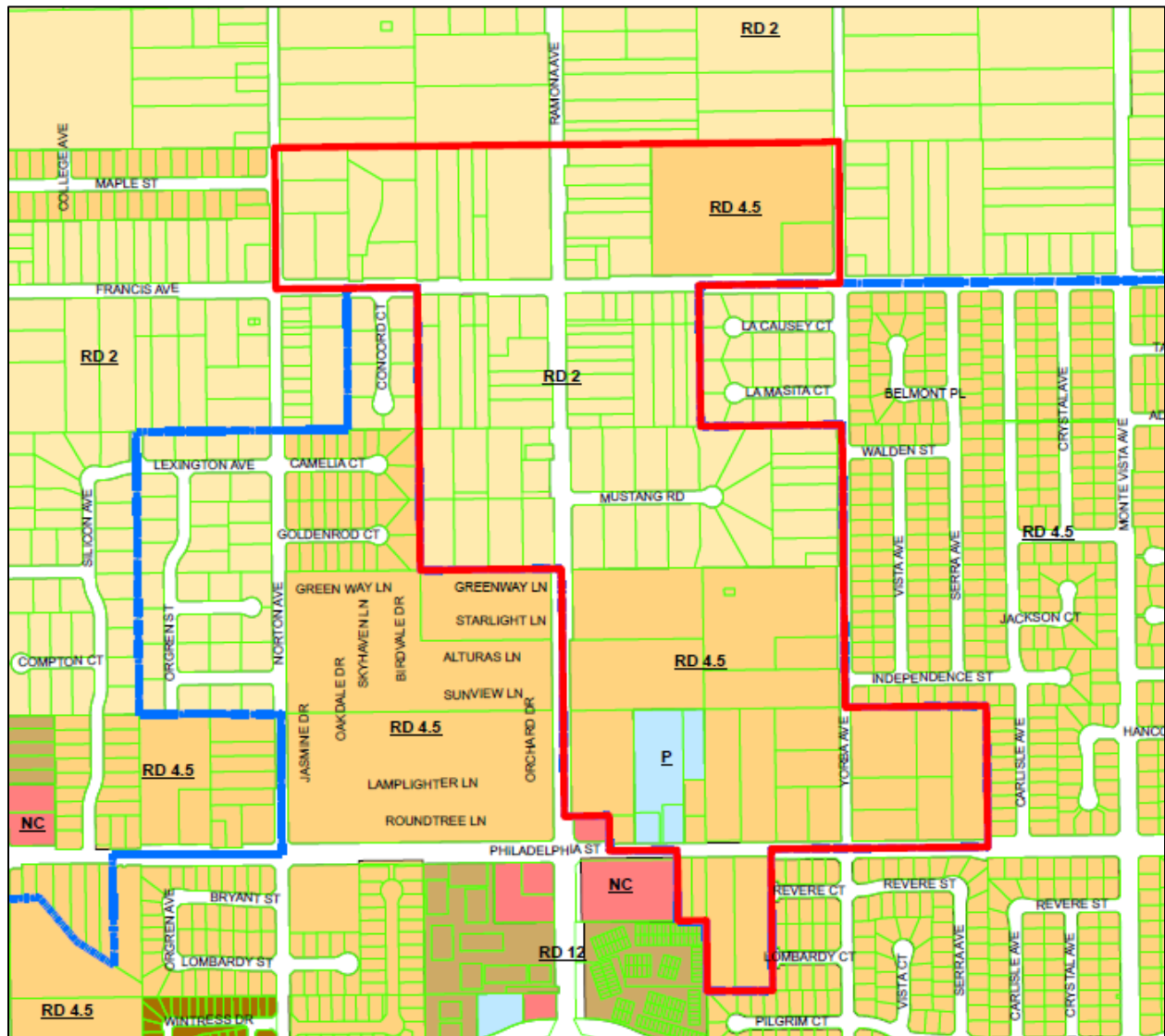
The County's current land use designations for the entire reorganization area are: RS-1 (single residential, 1 acre minimum lot size), RS-20M (single residential, 20,000 square foot minimum lot size), and RS (single residential).



City's General Plan and Pre-Zone Designations:

The City's General Plan designates the reorganization area as RD-2 (Residential 1-2 units per acre), RD-4.5 (Residential 3-4.5 units per acre), and P (Public). The City's General Plan is generally consistent with the County's General Plan.

The City of Chino pre-zoned the reorganization area RD-2 (Residential 2 DU/AC), RD-4.5 (Residential 4.5 DU/AC), and P (Public). These pre-zone designations are consistent with the City's General Plan for the reorganization area. If the Commission approves LAFCO 3269, future development within the project area can move forward with development of pre-zoned uses through the City of Chino.



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.

SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:

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 Stanley R. Hoffman Associates and was certified by the City, includes a Fiscal Impact Analysis indicating that the project will not have a positive financial effect for the City for the projected five years. In general, the Plan identifies the following:

A. Plan for Service

Upon annexation, the following transfers or assumptions of responsibility would occur:

- The following responsibilities would transfer from the County to the City: general government, community development (planning, building and safety, code enforcement), local parks and recreation, streetlighting and traffic signals, landscape maintenance, animal control (City contract with Inland Valley Humane Society), and local transportation. Additionally:
- Law enforcement responsibility would transfer from the County Sheriff's Department to the City of Chino's Police Department.
- Solid waste responsibility would transfer from the County to the City. Currently in this area, the County contracts with USA Waste of California (County Franchise Area 3) and Burrtec Waste Industries (County Franchise Area 2). The City contracts with Waste Management.
- The City would assume responsibility for wastewater collection to the area. The Commission has approved two service contracts for wastewater collection within the area: (1) Yorba Villas project and (2) Chino-Baitul Hameed Mosque on Ramona Ave. The remainder of the area currently lacks infrastructure, yet there are plans to extend the sewer main to the annexation area.
- A portion of the reorganization area (Tract 9425) includes County Service Area SL-1 (streetlighting). Therefore, the reorganization would include a detachment from CSA SL-1, and streetlighting responsibility would transfer from CSA SL-1 to the City for Tract 9425.
- In addition, the entirety of the area would detach from County Service Area 70 (unincorporated countywide, multi-function).

The following regional agencies overlay the reorganization area and there will be no change to these agencies or their services:

- Under LAFCO purview: Chino Valley Independent Fire Protection District, Monte Vista Water District (retail water to a portion), 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 and disposal services), and the Metropolitan Water District of Southern California (the State Water Contractor).
- Not under LAFCO purview: San Bernardino Flood Control District, County Library, Chino Valley Unified School District, and public health through the San Bernardino County Department of Public Health.

B. Fiscal Impact Analysis

The Fiscal Impact Analysis shows a mixed analysis for the reorganization. When considering only ongoing revenues, the summary below shows recurring costs exceed recurring revenues by over \$190,000 annually.

| Table 1 Summary of Projected Fiscal Impacts Ramona Francis Annexation Area Plan for Service and Fiscal Analysis, City of Chino (In Constant 2024 Dollars) | | |
|---|------------------------------|---------------------------|
| Category | Year 5 Upon Annexation | Total Buildout 2040 |
| A. GENERAL FUND | | |
| Annual Recurring Revenues | \$210,447 | \$385,389 |
| Annual Recurring Costs | <u>\$403,913</u> | <u>\$576,418</u> |
| Net Annual Recurring Surplus or Deficit | -\$193,466 | -\$191,029 |
| Revenue to Cost Ratio | 0.52 | 0.67 |
| B. GAS TAX FUND | | |
| Annual Recurring State Gas Tax ¹ | \$12,570 | \$17,923 |
| 1. State gas tax generated by future project residents accrues to the City Gas Tax Fund and is then transferred to the City Transportation Fund to pay for street related operations and maintenance costs. | | |

Source: Plan for Service

However, the cumulative City development impact fees (DIFs) and the Chino Valley Unified School District (CVUSD) DIFs for the projected growth are estimated at a total of \$740,698 by Year 5. Of this total, City related DIFS are estimated at \$29,383, and the CVUSD fees are estimated at \$711,315. By Buildout 2040, total cumulative DIFs increase to \$4.53 million, with \$2.63 million accruing to the City of Chino and \$1.90 million to the CVUSD.

| Table 4-1 Summary of Cumulative Development Impact Fees Ramona Francis Annexation Area Plan for Service and Fiscal Analysis, City of Chino (In Constant 2024 Dollars) | | |
|---|-----------------------|--------------------|
| Fee Category | Year 5 Impact Fees | Buildout 2040 |
| <u>City of Chino Development Impact Fees</u> | \$29,383 | \$2,632,369 |
| <u>Chino Valley Unified School District Developer Impact Fees</u> | <u>\$711,315</u> | <u>\$1,896,840</u> |
| Total Fees | \$740,698 | \$4,529,209 |

Source: Plan for Service

It is the position of LAFCO staff that LAFCO 3269 is a straightforward and logical extension of service delivery by the City. 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. However, the Fiscal Impact Analysis does not show sustainability from ongoing revenues, but the DIFs mitigate the shortfall. Nonetheless, this reorganization would address service confusion, service inefficiencies for these smaller areas that are surrounded or substantially surrounded by a city. It is simply good government to provide a cohesive pattern for the delivery of government services.

ENVIRONMENTAL CONSIDERATIONS:

The City of Chino prepared an Addendum to the City of Chino's General Plan Update Environmental Impact Report (SCH #2008091064) for the Annexation/Prezoning and General Plan Amendment for the Ramona Francis Annexation and adopted it as an adequate modification to the General Plan EIR for its proposed pre-zone designations. The City's Addendum addressed the whole of the City's proposed Reorganization area (144.8 acres). The Notice of Determination for this action was filed for this Addendum on July 12, 2023 and no litigation ensued. The Addendum concluded that implementation of the proposed prezone designations would not result in significant adverse impacts to the environment and brought forward several mitigation measures from the General Plan that must be implemented. None of these measures are the responsibility of the Commission. Further, no substantial changes in circumstances have occurred since its adoption that would require additional environmental documentation.

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 3269, 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 Addendum to the Environmental Impact Report (SCH #2008091064) prepared by the City for the Ramona Francis Annexation;
- b) Determine that the City's environmental assessment and Mitigated Negative Declaration, as outlined in the Addendum, are adequate for the Commission's use as a CEQA Responsible Agency for its consideration of LAFCO 3269;
- 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 adjacent to the City that requires municipal services from the City. The reorganization area not only includes the proposed development but a substantially surrounded unincorporated island within its sphere of influence that provides for an efficient and effective boundary for service delivery.

It is the position of LAFCO staff that LAFCO 3269 is a straightforward and logical extension of service delivery by the City. 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. However, the Fiscal Impact Analysis does not show sustainability from ongoing revenues, but the DIFs mitigate the shortfall. Nonetheless, this reorganization would address service confusion, service inefficiencies for these smaller areas that are surrounded or substantially surrounded by a city. It is simply good government to provide a cohesive pattern for the delivery of government services.

Further, 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.

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 271 registered voters as of August 6, 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 \$57,749,674 (land - \$24,011,405 -- improvements - \$33,738,269).
3. The reorganization area is within the sphere of influence assigned the City of Chino.
4. Legal notice of the Commission's consideration of this proposal was provided by publication of an eight-page (1/8 page) legal ad in the *Chino Champion*, 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 (170) and registered voters (271) within the reorganization area, totaling 441 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: RD-2 (Residential 2 DU/AC), RD-4.5 (Residential 4.5 DU/AC), and P (Public). 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.
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 3269 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 Ramona Francis Annexation, prepared an Addendum to the City of Chino's General Plan Update Environmental Impact Report (SCH #2008091064) for the Annexation/Prezoning and General Plan

Amendment for the Ramona Francis Annexation. The Commission, its staff, and its Environmental Consultant have independently reviewed the City's General Plan Environmental Impact Report and Addendum.

The Commission certifies that it has reviewed and considered the City's Addendum and the environmental effects as outlined in the Addendum prior to reaching a decision on the project and finds the information substantiating the mitigation measures in the General Plan 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) and County Service Area SL-1 (streetlighting).

Upon reorganization, the territory will detach from County Service Area 70 and County Service Area SL-1 as well a reduction to their respective spheres of influence 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 assist in the City’s ability to achieve its fair share of the regional housing needs based upon the anticipated residential land uses for the development.
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):

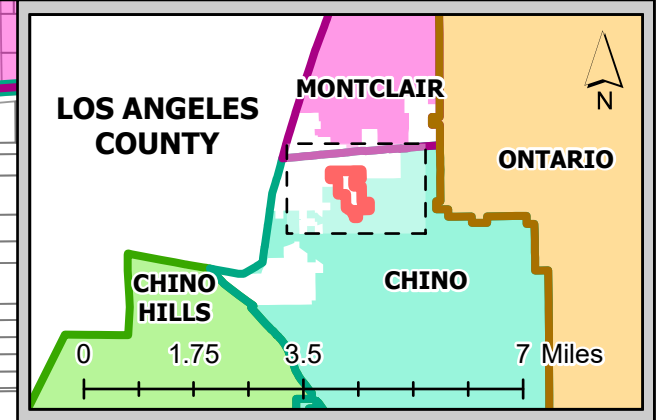
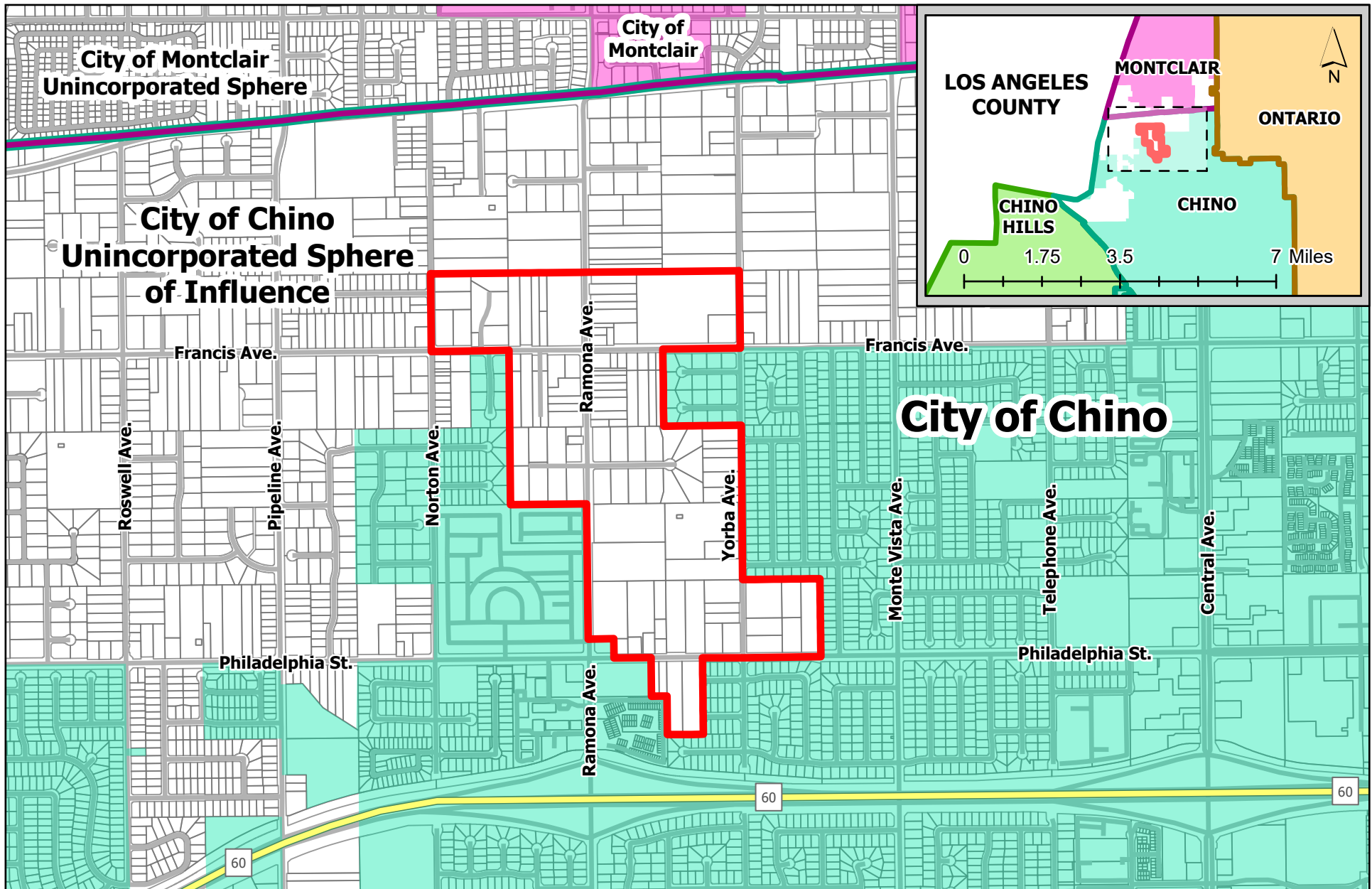
| Demographic and Income Comparison | City of Chino (%) | Subject Area (%) |
|-----------------------------------|-------------------|------------------|
| Race and Ethnicity | | |
| • White Alone | 27.4 % | 32.7 % |
| • Black Alone | 6.0 % | 2.2 % |
| • American Indian Alone | 1.5 % | 1.6 % |
| • Asian Alone | 21.0 % | 10.6 % |
| • Pacific Islander Alone | 0.2 % | 0.2 % |
| • Some Other Race Alone | 26.1 % | 34.1 % |
| • Two or More Races | 17.8 % | 18.5 % |
| | | |
| • Hispanic Origin (Any Race) | 52.0 % | 62.7 % |
| | | |
| Median Household Income | \$106,713 | \$124,913 |

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 3269.

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

Attachments:

- 1 -- [Vicinity and Reorganization Maps](#)
- 2 -- [Application and Plan for Service including Fiscal Impact Analysis](#)
- 3 -- [Response from Tom Dodson and Associates including the City of Chino’s Notice of Determination and Addendum to the City of Chino General Plan Environmental Impact Report \(SCH #2008091064\) with links to the Environmental Documents related to the City’s Approval of its General Plan \(Envision Chino 2025 General Plan Update\)](#)
- 4 -- [Draft Resolution No. 3407](#)



Vicinity Map

LAFCO 3269 - Reorganization to Include Annexation to the City of Chino and Detachment from County Service Area 70 and County Service Area SL-1 (Ramona Francis Annexation)

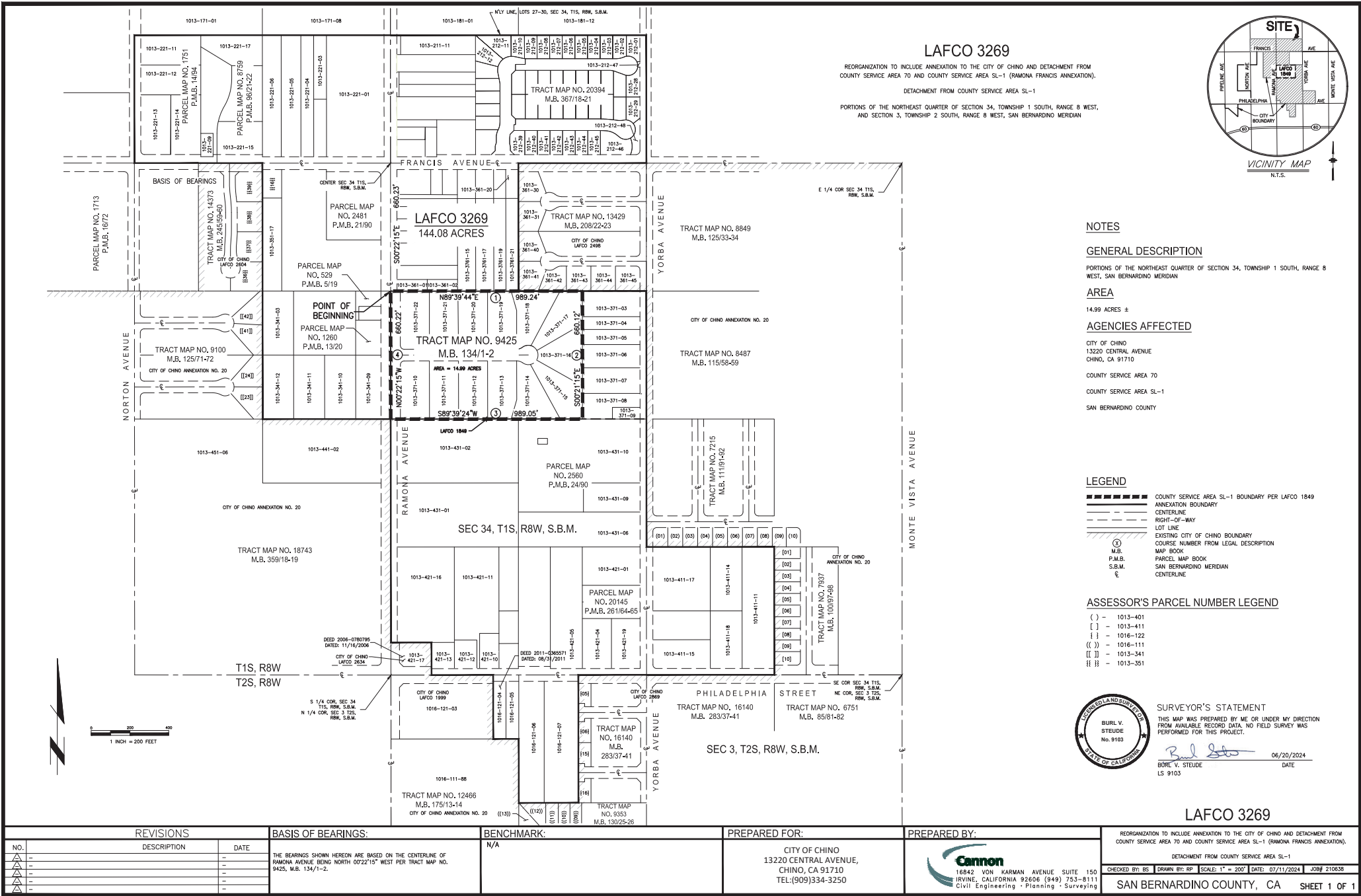
- City of Chino
- City of Montclair
- LAFCO 3269
- State Route 60
- Chino SOI
- Montclair SOI
- Parcels
- Streets



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



Created by: Arturo Pastor on 02/28/24



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: City of Chino Ramona and Francis Annexation

2. NAME OF APPLICANT: City of Chino c/o Michael Hitz, Principal Planner
APPLICANT TYPE: ☐ Landowner ☒ Local Agency
☐ Registered Voter ☐ Other _____
MAILING ADDRESS:
P.O. Box 667
Chino, CA 91708-0667
PHONE: (909) 334-3448
FAX: (909) 334-3729
E-MAIL ADDRESS: mhitz@cityofchino.org
3. GENERAL LOCATION OF PROPOSAL: East of Norton Avenue, north and south of
Francis Avenue, north and south of Philadelphia Street, and east and west of
Yorba Avenue.

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. A study was conducted
by the City of Chino to determine how best to annex the unincorporated areas of
the City's Sphere of Influence. It was determined the best practice was to begin
with the annexation of the unincorporated Islands. The City of Chino has initiated
the annexation of this Island known as the Ramona and Francis Annexation.

LAND USE AND DEVELOPMENT POTENTIAL

1. Total land area of subject territory (defined in acres):
+/- 144.8 Acres
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)
Single Family Residential, Agricultural Land, Religious Facility and a retail store.
3. Approximate current population within area:
Approximately 394 persons.
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):
RD 2-(Residential, 1-2 units/acre), RD-4.5 (Residential, 3-4.5 units/acre),
P (Public) for Parks, Civic Center, Fire Stations,etc.

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):
RS-1 (Single Residential, 1 acre min.), RS-20M (Single Residential-20,000 sf. ft. min.
RS (Single Residential)
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:
Approximately 13 acres of the area being annexed into the City is proposed to be developed with 45 single family homes as approved by the County of San Bernardino Board of Supervisors. The development of those is not expected to have a negative impact on the regional transportation plan.
6. Indicate the existing use of the subject territory.
Residential, agricultural, one religious facility and one small market.

What is the proposed land use?
Residential, agricultural, continual use of religious facility, small market and potential parkland or other public use on the land designated as Public.
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 checked="" 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 project complies with all City, County, and State requirements and basic principles of environmental justice as it does not expose minority or disadvantaged populations within the proposed annexation area to proportionally greater risk or impacts compared with those borne by other individuals.

ENVIRONMENTAL INFORMATION

1. Provide general description of topography. Mostly flat with gentle slope from North to South.

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

| | |
|--------------------|---------------------|
| Residential _____% | Agricultural _____% |
| Commercial _____% | Vacant _____% |
| Industrial _____% | Other _____% |

3. Describe the surrounding land uses:

| | |
|-------|-----------------------------------|
| NORTH | <u>Residential</u> |
| EAST | <u>Residential</u> |
| SOUTH | <u>Residential and Commercial</u> |
| WEST | <u>Residential</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.).

Installation of utilities (water, sewer, storm drain, electricity and other utilities.

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

Approximately 13 acres of the annexation area is to be developed with 45 single family homes as approved by the Board of Supervisors of San Bernardino County
A sewer main will be extended from the City's sewer system will be constructed to extend sewer service to the annexation area.

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

Sewer connection for The Chino-Baitul Hameed Mosque at 11941 Ramona Ave and sewer service agreement for the Yorba Villas residential development at the Northwest corner of Yorba Avenue and Francis Street.

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 Michael Hitz City of Chino TELEPHONE NO. 909-334-3448

ADDRESS: 13220 Central Avenue, Chino, CA 91710

NAME _____ TELEPHONE NO. _____

ADDRESS: _____

NAME _____ TELEPHONE NO. _____

ADDRESS: _____

CERTIFICATION

As a part of this application, the City/Town of Chino, or the _____, 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,

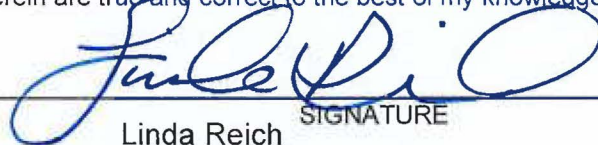
and release San Bernardino LAFCO, its agents, officers, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it.

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 1-16-22


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

SUPPLEMENT

ANNEXATION, DETACHMENT, REORGANIZATION PROPOSALS

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

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

ANNEXED TO

DETACHED FROM

City of Chino

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.

RD2 (Residential/Agricultural) 1 to 2 dwelling units/acre, RD 4.5 (Residential) 3 to 4.5 dwelling units/acre, P (Public).

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.

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

No.

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

No

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

No known Williamson Act Contracts within the annexation area.

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 County of San Bernardino has approved the development of 45 single-family homes within the annexation area that have yet to be constructed. Additionally, the Plan for service has identified with the approved pre-zoning, an additional 75 single-family units could be constructed five years or more after annexation, but before 2040.

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.

See the attached plan for service.

- 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 XIII C and XIII D of the State Constitution (Proposition 218) to a hearing, assessment ballot processing or an election on those existing taxes, fees and assessments.

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

DATE 1-16-24


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)

Ramona Francis Annexation Plan for Service and Fiscal Impact Analysis City of Chino

Prepared for:

City of Chino
13220 Central Avenue
Chino, CA 91710
Attn: Mike Hitz, Principal Planner
909.334.3448

January 17, 2024

SRHA Job # 1392

CERTIFICATION

The City of Chino hereby certifies that this document presents the data and information required for the Plan for Service and Fiscal Impact Analysis for the *Ramona Francis Annexation Area* 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

1/23/24



SIGNATURE OF APPLICANT

Director of Development Services

TITLE OF APPLICANT

City of Chino, California

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EXECUTIVE SUMMARY

This report provides an assessment of public service delivery capabilities of the City of Chino and other agencies, or special districts affected by annexation of the City of Chino Sphere of Influence (SOI) Island Ramona Francis Annexation Area into the City of Chino. The 144.683-acre annexation area (identified as the Project Location in Figure 1) is currently located within the City's sphere of influence in unincorporated San Bernardino County and surrounded by the City on 73 percent of its perimeter. It is located at the northern border of the City, generally centered on Ramona Ave and Mustang Road.

The Ramona Francis Annexation Area currently includes low-density single family residential units, one public/religious structure and vacant parcels in an area zoned for RD 2 and RD 4.5 development per the City of Chino General Plan. The City's General Plan for the SOI is in agreement with the San Bernardino County General Plan. The fiscal analysis assumes that City of Chino receives the entire 10.8 percent of the 1 percent property tax after annexation. Development after annexation for the Ramona Francis Annexation Area is based on known developments and estimated growth on identified opportunity sites within the area for the Annexation Development Scenario.

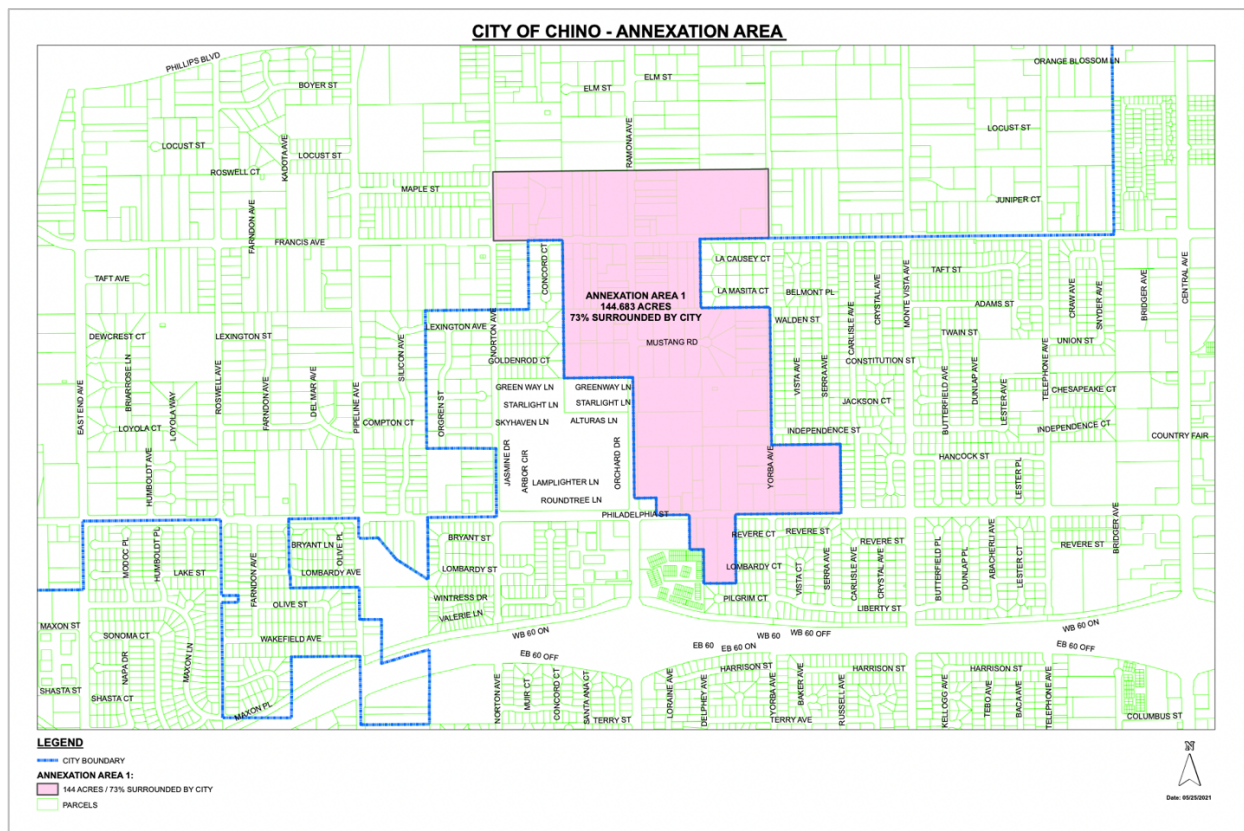
The Annexation Development Scenario includes the Yorba Villas residential development approved by San Bernardino County, which includes 45 single family units on a 13.5-acre vacant parcel located at the northwest corner of Yorba Ave and Francis Ave, assumed to be completed Year 3 upon annexation. Added to 117 existing units within the Ramona Francis Annexation Area, this results in 162 cumulative units by Year 3. Additional residential units on other residential opportunity parcels identified by City of Chino staff result in another 75 units, assumed to be built by buildout year 2040 but after Year 5 upon annexation. Adjusting for an estimated replacement of units on approximately 6 parcels impacted by new development results in a net cumulative of 231 units at buildout, including 120 total new units. This results in a cumulative population of 749 persons by buildout year 2040.

This report is being submitted to the County of San Bernardino Local Agency Formation Commission (LAFCO) as a "Plan for Service" required by California Government Code Section 56653. Upon annexation, the City of Chino would provide services including general government, police protection, community development, local parks and recreation, community services and public works services to the annexed area. The Chino Valley Independent Fire District will

continue to provide fire and paramedic services to the Project upon annexation. The County of San Bernardino will continue to provide Countywide services such as regional parks and recreation, regional flood control and drainage, law and justice, and health and welfare.

Based on an analysis of current service delivery capabilities, the City is equipped to handle additional demand from the annexation of the proposed Ramona Francis Annexation Area. This report explains the transfer of service requirements upon annexation, estimates development impact fees and projects recurring fiscal impacts to the City of Chino for Year 5 upon annexation and buildout year 2040.

Figure 1
Project Location
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino



Source: City of Chino, Development Services Department

Table 1
Summary of Projected Fiscal Impacts
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Category | Year 5 Upon Annexation | Total Buildout 2040 |
|--|------------------------------|---------------------------|
| A. GENERAL FUND | | |
| Annual Recurring Revenues | \$210,447 | \$385,389 |
| Annual Recurring Costs | <u>\$403,913</u> | <u>\$576,418</u> |
| Net Annual Recurring Surplus or Deficit | -\$193,466 | -\$191,029 |
| Revenue to Cost Ratio | 0.52 | 0.67 |
| B. GAS TAX FUND | | |
| Annual Recurring State Gas Tax ¹ | \$12,570 | \$17,923 |

1. State gas tax generated by future project residents accrues to the City Gas Tax Fund and is then transferred to the City Transportation Fund to pay for street related operations and maintenance costs.

Source: Stanley R. Hoffman Associates, Inc.

Summary of Fiscal Impacts

As shown in Table 1, under the Annexation Development Scenario, a total of \$210,447 is projected in annual revenues to the City General Fund at Year 5 upon annexation. The cumulative growth results in \$403,913 in annual costs to the City General Fund for operations and maintenance. This results in a projected annual deficit of \$193,466 to the City General Fund at Year 5 at a revenue to cost ratio of 0.52. Annual state gasoline tax to the City Gas Tax Fund is projected \$12,570 at Year 5.

Also shown in Table 1, at buildout year 2040, a total of \$385,389 are projected in annual revenues to the City General Fund, including residential growth after Year 5 of annexation. The cumulative development at total Buildout 2040 results in \$576,418 in annual costs to the City General Fund for annual recurring operations and maintenance. This results in an annual deficit of \$191,029 projected to the City General Fund at Buildout 2040 for the Ramona Francis Annexation Area at a revenue to cost ratio of 0.67. Annual state gasoline tax to the City Gas Tax Fund is projected \$17,923 at Buildout 2040. Chapter 5 presents the detailed fiscal impact analysis.

CHAPTER 1

INTRODUCTION

This report presents the plan for service and fiscal analysis of the proposed annexation of the Ramona Francis Annexation Area to the City of Chino. As shown in Figure 1, The 144.683-acre annexation area is currently located within the City's sphere of influence in unincorporated San Bernardino County and surrounded by the City on 73 percent of its perimeter. It is located at the northern border of the City, generally centered on Ramona Ave and Mustang Road.

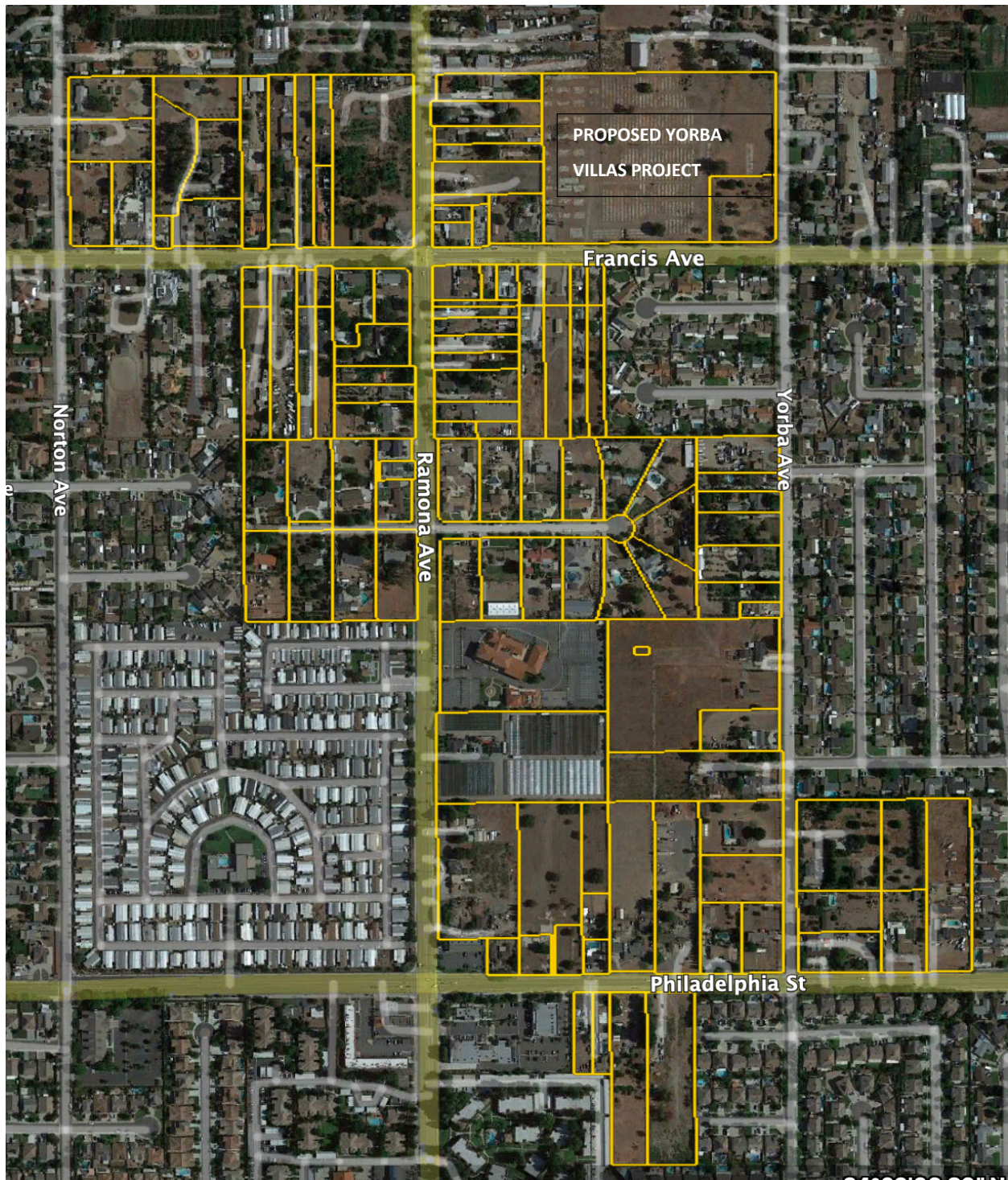
The Ramona Francis Annexation Area currently includes low-density single family residential units, one public/religious structure and vacant parcels in an area primarily zoned for RD 2 and RD 4.5 development per the City of Chino General Plan. The City's General Plan for the SOI is in agreement with the San Bernardino County General Plan.

1.1 Purpose of the Study

The Local Agency Formation Commission (LAFCO) for San Bernardino County requires a Plan for Service and Fiscal Impact Analysis be prepared and certified when a jurisdiction is affected by a proposed change of organization or reorganization (e.g., annexation, formation). The unincorporated project intends to annex into the City of Chino, which requires the City to show that the necessary infrastructure improvements and services can be provided to the proposed development. Per the LAFCO July 2023 *Policy and Procedure Manual*, the Plan for Service must include the following components:

- 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*

Figure 1-1
Annexation Area Aerial Map
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino



Source: Stanley R. Hoffman Associates, Inc; City of Chino; Google Earth

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 of organization, provide a description of the timely availability of water for projected needs within the area based upon the factors identified in Government Code Section 65352.5 (as required by Government Code Section 56668(k)).*

1.2 Organization of the Report

Chapter 2 contains the description of the Ramona Francis Annexation Area. The analysis of existing public service delivery in the annexation area and upon annexation into the City is presented in Chapter 3. Chapter 4 discusses the development impact fees and charges for infrastructure associated with the proposed project. The fiscal impact analysis of the annual operations and maintenance costs for the provision of services to the Ramona Francis Annexation Area is provided in Chapter 5. Chapter 6 covers the revenue and cost assumptions used for the fiscal analysis. Appendix A includes supporting tables for the fiscal assumptions and Appendix B lists the project contacts and references used in the preparation of this study.

CHAPTER 2

PROJECT DESCRIPTION

This chapter presents the detailed land uses proposed for the Ramona Francis Annexation Area Annexation. The projected market valuation, property tax and sales and use tax are also included in this chapter. Per the LAFCO requirement that the fiscal impact analysis in the plan for service shall provide, at a minimum, a five (5)-year projection of revenues and expenditures, the project description is presented for five years. Also presented are the fiscal impacts at buildout year 2040.

2.1 Land Uses

The Ramona Francis Annexation Area currently includes low-density single family residential units, one public/religious structure and vacant parcels in an area zoned primarily for RD 2 and RD 4.5 development per the City of Chino General Plan. The City's General Plan for the SOI is in agreement with the San Bernardino County General Plan. A total of 117 existing single-family units are estimated for the area.

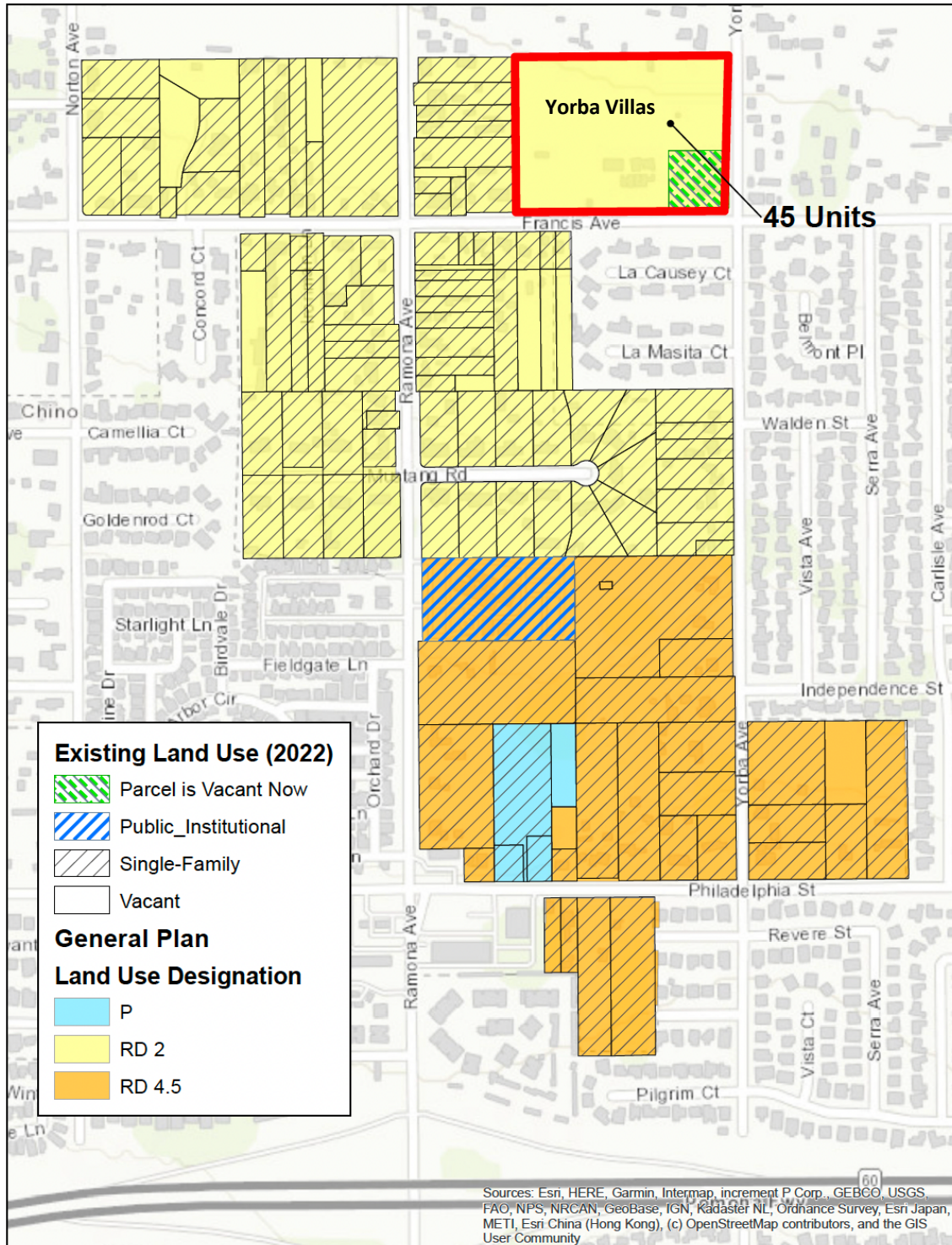
Projected Growth in Residential Units and Population

Projected development in the annexation area is residential in character, with no non-residential use anticipated at this moment, based on inputs from City Staff. Development after annexation for the Ramona Francis Annexation Area is based on known developments and estimated growth on identified opportunity sites within the area for the Annexation Development Scenario.

The Annexation Development Scenario includes the Yorba Villas residential development approved by San Bernardino County, as shown in Figure 2-1. This development includes 45 single family units on a 13.5-acre vacant parcel located at the northwest corner of Yorba Ave and Francis Ave, assumed to be completed Year 3 upon annexation. Added to 117 existing units within the Ramona Francis Annexation Area, this results in 162 cumulative units by Year 3. This results in a cumulative population of 519 persons by Year 3, stable through Year 5 upon annexation.

Additional residential units on potential residential opportunity parcels identified by City of Chino staff result in another 75 units. These are assumed to be built by buildout year 2040 but after Year 5 upon annexation. Adjusting for an estimated replacement of units on approximately 6 parcels impacted by new development results in a net cumulative of 231 units at buildout, including 120 total new units. This results in a cumulative population of 740 persons by buildout year 2040.

Figure 2-1
Annexation Area Parcel Map
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino



Source: Stanley R. Hoffman Associates, Inc.

Table 2-1
Development Description of Projected Growth
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Category | (Upon Annexation) | Annexation Area 1 | | | | TOTAL BUILDOUT Year 2040 |
|---|---|---------------------|---------------------|---------------------|---------------------|--------------------------------|
| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | |
| A. Units and Population | | | | | | |
| <u>Residential Units</u> | | | | | | |
| Existing | 117 | | | | | 117 |
| New Incremental Units | 0 | 0 | 45 | 0 | 0 | 75 |
| Cumulative New Units ¹ | 0 | 0 | 45 | 45 | 45 | 120 |
| Minus Units Replaced by New Development ² | 0 | 0 | 0 | 0 | 0 | 6 |
| Total Net Cumulative Units | 117 | 117 | 162 | 162 | 162 | 231 |
| <u>Population - Annexation Area</u> | | | | | | |
| Existing Population (@ 3.20 per unit) | 375 | 375 | 375 | 375 | 375 | 375 |
| Plus Cumulative New Population (@ 3.20 per unit) | 0 | 0 | 144 | 144 | 144 | 384 |
| Minus Population in Units Replaced (@3.20 per unit) | 0 | 0 | 0 | 0 | 0 | 19 |
| Total Cumulative Population ³ | 375 | 375 | 519 | 519 | 519 | 740 |
| B. Estimated Assessed Valuation | | | | | | |
| <u>Current Valuation ⁴</u> | | | | | | |
| Annexation Area 1 | \$53,833,277 | \$0 | \$0 | \$0 | \$0 | \$53,833,277 |
| Minus Valuation Replaced by Development | \$0 | \$0 | \$0 | \$0 | \$0 | \$3,785,691 |
| | Estimated Value per New Unit ⁵ | | | | | |
| New Incremental Valuation | \$750,000 | \$0 | \$0 | \$33,750,000 | \$0 | \$56,250,000 |
| Estimated New Cumulative Valuation for PTVLF | \$0 | \$0 | \$33,750,000 | \$33,750,000 | \$33,750,000 | \$90,000,000 |
| Cumulative Total Valuation for Property Tax incl.Base | \$53,833,277 | \$53,833,277 | \$87,583,277 | \$87,583,277 | \$87,583,277 | \$143,833,277 |
| C. Projected Annual Property Tax | | | | | | |
| <u>Annual 1 Percent Property Tax Levy</u> | | | | | | |
| Cumulative 1 Percent Property Tax Levy | \$538,333 | \$538,333 | \$875,833 | \$875,833 | \$875,833 | \$1,438,333 |
| <u>Annual General Fund Property (@ 10.8% of 1 Percent Levy)</u> | | | | | | |
| Total Cumulative Property Tax - General Fund | \$58,140 | \$58,140 | \$94,590 | \$94,590 | \$94,590 | \$155,340 |
| D. Projected VLF-Property Tax In Lieu | | | | | | |
| <u>Total Annual Valuation for VLF-Property Tax In Lieu ⁶</u> | | | | | | |
| Total Cumulative New Valuation for VLF-Property In Lieu | | \$0 | \$33,750,000 | \$33,750,000 | \$33,750,000 | \$90,000,000 |
| <u>Total Annual VLF-Property Tax In Lieu</u> | | | | | | |
| (@ \$700 per \$1,000,000 Assessed Valuation) | | | | | | |
| Total Cumulative Projected VLF-Property Tax In Lieu | \$0 | \$0 | \$23,625 | \$23,625 | \$23,625 | \$63,000 |

1. 45 new units for Yorba Villas are assumed in Year 3 after annexation, no additional new units are assumed within Year 5 of the cumulative analysis. An additional 75 units on opportunity sites identified by the City are assumed after Year 5 up to Buildout Year 2040 for a cumulative total of 120 new units by 2040.
2. Redevelopment on opportunity sites identified by the City are projected to add 75 new units while replacing 6 existing units.
3. Total population is projected at the Citywide average of 3.20 persons per unit, and rounded to the nearest whole number.
4. Current valuation is based on the 2022 tax roll values as presented in Table 2-3. When new units are constructed in Year 3, the existing taxable valuation of \$53.8 million is included to the cumulative property valuation for property tax projections.
5. Average value of \$788,000 per unit was estimated from 6 month market sales transactions reported by Redfin for 3,4, and 5 bedroom units for Chino in January, 2024. The year-over-year Median Home Value in Chino in January, 2024 is reported at about \$750,000 by Redfin. This analysis uses the latter value for a longer term conservative view of the housing market.
6. Vehicle license fees (VLF) property tax in lieu is projected based on the increase in assessed valuation in a jurisdiction. Per State law, when an annexation occurs the existing valuation in the annexing area cannot be used in adjusting the amount of assessed valuation in the annexing City. Therefore, the current taxable valuation of \$53.8 million is not included in the projection of property tax in lieu of VLF in Year 1 (upon annexation).

Sources: Stanley R. Hoffman Associates, Inc.
City of Chino, Development Services Department

2.2 Assessed Valuation

Cumulative new incremental assessed valuation for the Annexation Area at Year 5 is projected at about \$33.75 million for the development scenario including Yorba Villas, as shown in Panel B of Table 2-1. New residential valuation is estimated at \$750,000 per unit based on market data obtained for Chino. The current assessed valuation for the area of about \$53.83 million is estimated. Taken together with the incremental valuation from new units, the total valuation base for the Ramona Francis Annexation Area is estimated at \$87.58 million by Year 5 upon annexation. Existing assessed valuation is based on the County Assessor’s annual 2022 tax roll values (released 2023), as shown in Table 2-2.

By Buildout 2040, additional new incremental assessed valuation for the Annexation Area is estimated at \$56.25 million for the additional 75 new units on other opportunity sites, as shown in Panel B of Table 2-1. New residential valuation is estimated at \$750,000 per unit based on market data obtained for Chino. Added to the new valuation for Yorba Villas, this results in cumulative new valuation of \$90 million by Buildout 2040. Adding to the existing base with adjustments for development replaced by the new units on opportunity sites results in net total valuation base of \$143.83 million at Buildout 2040 for the Ramona Francis Annexation Area. The valuation replacement adjustment for the existing base on opportunity sites is estimated at \$3.79 million.

Table 2-2
Estimated 2022 Assessed Valuation of Annexation Area
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino

| Annexation Area | 2022 Assessed Valuation | | | | |
|--------------------|-------------------------|--------------|------------------|-------------|--------------|
| | Land | Improvement | minus Exemptions | | Net Value |
| | | | Homeowner | Special | |
| Area 1 | \$24,011,405 | \$33,738,269 | \$252,000 | \$3,916,397 | \$53,833,277 |

Sources: Stanley R. Hoffman Associates, Inc.
San Bernardino County Assessor, Property Information Management System (PIMS), Year 2023 Tax Roll

2.3 Projected Property Tax

It is assumed that the City General Fund will receive the full property tax share amounting to 10.8 percent of the basic one percent property tax levy on assessed valuation, as discussed in the Chapter 6 fiscal assumptions.

Under the Annexation Development Scenario, as shown in Panel C of Table 2-1, property tax to the City General Fund for the current assessed valuation upon annexation (Year 1) is projected at \$58,140. As the Yorba Villas residential units are completed in Year 3, cumulative property tax is projected to increase to \$94,590 through Year 5 upon annexation accruing annually to the City General Fund. By Buildout 2040, the total cumulative annual property tax accruing to the City General Fund is projected to reach \$155,340.

2.4 Projected Vehicle License Fees (VLF) - Property Tax In Lieu

The City General Fund will also receive VLF-property tax in lieu based on the increase in assessed valuation in the City. Per State law, when an annexation occurs the existing valuation in the area that is being annexed cannot be used in adjusting the base amount of assessed valuation in the annexing City. The City will receive VLF-property tax in-lieu (PTVLF) based on the change in its gross assessed valuation of taxable property for new development in the annexed area. As shown in Appendix Table A-4, the VLF - property tax in lieu rate for the City is projected to increase at \$700 per million dollars of new assessed valuation (AV).

For the Annexation Development Scenario, as shown in Panel D of Table 2-1, no PTVLF is projected for existing valuation in Year 1 per State law. By Year 3 upon annexation through Year 5, PTVLF is projected \$23,625 annually based on the estimated \$33.75 million in cumulative new assessed valuation. By Buildout 2040, PTVLF is projected to increase to \$63,000 on the cumulative new assessed valuation of \$90 million.

2.5 Projected Off-Site Sales and Use Tax Captured in Chino

Sales and use tax are projected for the retail taxable sales that will be captured in the City from off-site purchases made by the residents of the Ramona Francis Annexation Area. Only sales made by the new households in the annexation area are assumed for this calculation, based on discussions with the City Finance Director.

Off-site retail sales and use tax from taxable purchases made by future residents in the Ramona Francis Annexation Area is projected based on the resident's estimated household income and the estimated taxable retail purchases made in the City. Household income is estimated at 30 percent of average housing value based on conventional practices followed under federal and state housing guidelines. Based on the U.S. Bureau of Labor Statistic, *Consumer Expenditure*

Survey, the fiscal analysis estimates the Ramona Francis Annexation Area residents will generate total taxable retail purchases at about 32 percent of household income.

For the Annexation Development Scenario, as shown in Table 2-3, estimated annual off-site retail sales and use tax from taxable purchases made by future residents are projected at \$28,310 at Year 5 upon annexation. This estimate is based on total household income projected at about \$10.13 million by Year 5 (30 percent of residential valuation of about \$33.75 million). At 32 percent of household income, the projected retail taxable purchases made by new subdivision residents are projected at about \$3.24 million in Year 5. Based on previous studies for the City, it is assumed that 75 percent of the retail taxable purchases or about \$2.43 million will be made in the City in Year 5 upon annexation. By Buildout 2040, projected off-site retail taxable purchases captured within the City increases to \$6.48 million.

At one percent of the estimated captured taxable sales, sales tax is projected at \$24,300 in Year 5 upon annexation. At the City average use tax rate of 16.5 percent of sales tax, an additional \$4,010 of use tax is projected in Year 5. Taken together, sales and use tax accruing to City General Fund is projected at \$28,310 in Year 5, which increases to \$75,492 by Buildout Year 2040.

Table 2-3
Projected Off-Site Sales and Use Tax Captured in Chino
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Category | Annexation Area 1 | | | | | Buildout 2040 |
|--|-------------------|------------|-----------------|-----------------|-----------------|-----------------|
| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | |
| <u>Incremental New Residential Valuation</u> | \$0 | \$0 | \$33,750,000 | \$33,750,000 | \$33,750,000 | \$90,000,000 |
| <u>Household Income (@ 30% of household valuation) ¹</u> | \$0 | \$0 | \$10,125,000 | \$10,125,000 | \$10,125,000 | \$27,000,000 |
| <u>Retail Taxable Sales (@ 32% of household income)</u> | \$0 | \$0 | \$3,240,000 | \$3,240,000 | \$3,240,000 | \$8,640,000 |
| <u>Projected Off-Site Retail Taxable Sales Captured in Chino ²</u> (@ 75% capture) | \$0 | \$0 | \$2,430,000 | \$2,430,000 | \$2,430,000 | \$6,480,000 |
| <u>Projected Sales and Use Tax to Chino</u> | | | | | | |
| Sales Tax (@ 1% of taxable sales) | \$0 | \$0 | \$24,300 | \$24,300 | \$24,300 | \$64,800 |
| Use Tax (@ 16.5% of sales tax) | \$0 | \$0 | \$4,010 | \$4,010 | \$4,010 | \$10,692 |
| Total Projected Sales and Use Tax | \$0 | \$0 | \$28,310 | \$28,310 | \$28,310 | \$75,492 |

2. Based on conventional standards, household income is estimated at 30 percent of average housing value.

3. Based on previous studies, including inputs from City Staff, Chino is assumed to capture 75 percent of the project residents' retail taxable sales.

Sources: Stanley R. Hoffman Associates, Inc.
City of Chino, Finance Department

CHAPTER 3

PUBLIC FACILITIES BEFORE AND AFTER ANNEXATION

This chapter describes the existing and anticipated future service providers for the proposed Ramona Francis Annexation Area Annexation. The level and range of the following services are in this chapter:

- ☐ General Government
- ☐ Fire and Paramedic
- ☐ County Sheriff and Public Safety
- ☐ Library
- ☐ Parks and Recreation
- ☐ Animal Control
- ☐ Transportation
- ☐ Street Lighting and Traffic Signals
- ☐ Landscape Maintenance
- ☐ Water
- ☐ Wastewater/Sewer
- ☐ Solid Waste Management
- ☐ Flood Control and Drainage
- ☐ Utilities
- ☐ Schools
- ☐ Health and Welfare

As presented in Table 3-1, San Bernardino County and local special districts provide many services to the annexation area, located in Chino's Sphere of Influence (SOI), including general government, community development, sheriff services, library, animal control, street lighting, road maintenance, flood control, solid waste management and health and welfare. Fire and paramedic services are provided by the Chino Valley Independent Fire District (CVIFD).

After annexation, the City of Chino is anticipated to provide services including general government, community development, public safety through the City of Chino Police Department, local parks and recreation, street lighting and traffic signals, landscape maintenance, transportation, water, sewer and solid waste management. Certain one-time development impact fees are collected for public facilities and are detailed in Chapter 4.

The City of Chino will contract for animal control services from the Inland Valley Humane Society after annexation, and solid waste service providers (County contract for waste

Table 3-1
Service Providers Before and After Proposed Annexation
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino

| Service | Current Service Provider | Anticipated Service Provider |
|--|--|--|
| General Government Services: | | |
| Finance Division | San Bernardino County | City of Chino |
| Human Resources Division | San Bernardino County | City of Chino |
| Business Registration | San Bernardino County | City of Chino |
| Economic Development | 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 Independent Fire District | Chino Valley Independent Fire District |
| Sheriff/Police | San Bernardino County Sheriff | City of Chino Police Department |
| Library | San Bernardino County Library | San Bernardino County, Chino Branch |
| Parks and Recreation: | | |
| Local facilities | n/a | City of Chino |
| Regional facilities | San Bernardino County | San Bernardino County |
| Animal Control | San Bernardino County Animal Care & Control Program | Inland Valley Humane Society |
| Transportation: | | |
| Freeways and Interchanges | Cal Trans | Cal Trans |
| Arterials and collectors | San Bernardino County Public Works | City of Chino |
| Local roads | San Bernardino County Public Works | City of Chino |
| Transit | Omnitrans, Foothill Transit, Orange County Transportation Authority, Metrolink, Amtrak | Omnitrans, Foothill Transit, Orange County Transportation Authority, Metrolink, Amtrak |
| Street Lighting and Traffic Signals | Southern California Edison and/or County of San Bernardino | City of Chino |
| Landscape Maintenance | n/a | City of Chino |
| Water: | | |
| Domestic Water | City of Chino/Monte Vista Water District | City of Chino/Monte Vista Water District |
| Recycled Water | Inland Empire Utilities Agency | Inland Empire Utilities Agency/City of Chino |
| Water Quality | Monte Vista Water District | Monte Vista Water District |
| Wastewater/Sewer | Inland Empire Utilities Agency | Inland Empire Utilities Agency/City of Chino |
| Solid Waste Management | San Bernardino County contract with USA Waste of California (CFA-3) and Burrtec Waste Industries (CFA-2) | Chino Contract with Waste Management |
| 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 Provider/Telephone | Time Warner/Verizon | Time Warner/Verizon |
| Power | Southern California Edison | Southern California Edison |
| Natural Gas | Southern California Gas Company | Southern California Gas Company |
| Schools | Chino Valley Unified School District | Chino Valley Unified School District |
| Health and Welfare | San Bernardino County Department of Public Health | San Bernardino County Department of Public Health |

Sources: Stanley R. Hoffman Associates, Inc.

City of Chino, Website and Chino General Plan, Public Services and Facilities Element

City of Chino, Planning Department

City of Chino, Finance Department

County of San Bernardino, Public Works Department and Special Services District

management) will transfer from USA Waste of California and Burrtec Waste Industries for the area to Waste Management (company has an existing contract with the City of Chino).

The County of San Bernardino will provide services such as county library, regional parks and recreation, flood control and drainage, and health and welfare after annexation. The Chino Valley Independent Fire District will continue to provide fire and paramedic services, and project residents will remain in the Chino Valley Unified School District.

3.1 General Government and Community Development

Before Annexation

San Bernardino County currently provides general government, including administrative and economic development, and community development services to the annexation area.

After Annexation

The City of Chino will provide general government services which include administrative services as well as services such as General Governance, Finance, Human Resources and Economic Development to the annexation area. Chino will provide Community Development services comprised of Planning, Building and Safety and Code Compliance; and Community Services to the annexation area.

3.2 Fire and Paramedic

Before and After Annexation

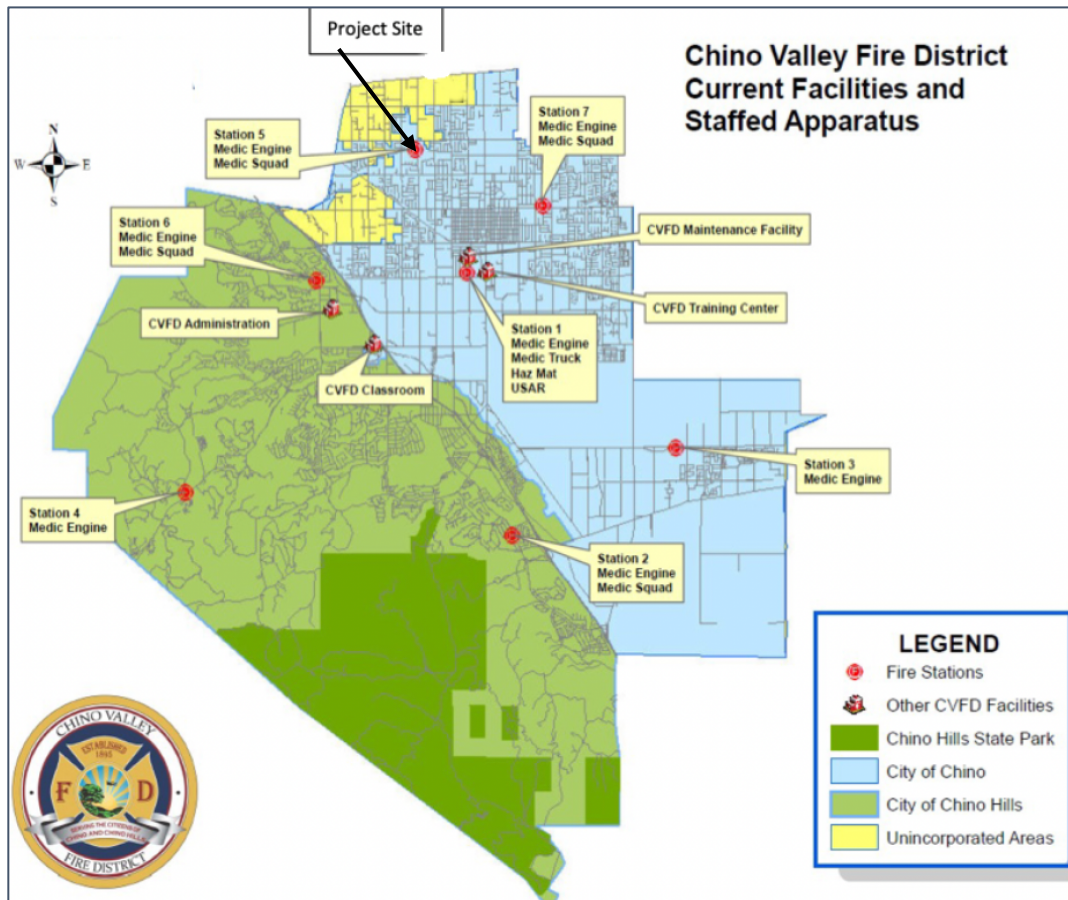
The Chino Valley Independent Fire District (CVIFD) provides fire and paramedic services to the Cities of Chino and Chino Hills, as well as surrounding incorporated areas which include the annexation area, as shown in Figure 3-1. The CVIFD will continue to provide fire and paramedic services after annexation. The district's jurisdiction covers approximately 80 square miles in size and has an estimated population of 173,000.

The firefighters, paramedics, and specialized teams respond to structure fires, vegetation fires, medical aids, traffic collisions, confined space rescues, water rescues, and hazardous materials incidents. The specialized teams include Urban Search and Rescue, and Hazardous Materials and Swift Water Rescue. The CVIFD includes seven fire stations which employ over 100 professional firefighters.

The response time for emergency calls varies within the City. Based on the origination of the call, the drive time may vary. The two fire stations closest to the annexation area include

Station 5 located at 12220 Ramona Avenue (about 0.2 miles from the annexation area) and Station 7 located at 5980 Riverside Drive (about 2 miles from the annexation area).

Figure 3-1
Chino Valley Fire District Map
City of Chino and Surrounding Areas



3.3 Sheriff (Police) and Public Safety

Before Annexation

The County Sheriff currently provides public safety services to the annexation area.

After Annexation

After the annexation, the City of Chino will provide local police services through the City of Chino Police Department. The police headquarters are located at 5450 Walnut Avenue, about 2.0 miles from the annexation area.

3.4 Library

Before and After Annexation

The Chino Branch Library is a branch of the San Bernardino County Library system that currently serves the annexation area and will continue to provide services after annexation. The library is located at 13180 Central Avenue in the City of Chino, about 2.5 miles from the project.

3.5 Parks and Recreation

Before Annexation

There are no local or regional San Bernardino County park facilities in the annexation area. Current annexation area residents are assumed to use nearby City park facilities. Regional park facilities outside the annexation area are operated and maintained by the County.

After Annexation

Local Park and Recreation services provided by the City of Chino and regional facilities located in San Bernardino County are expected to be accessible to the residents of the annexation area. Some of the amenities in the City parks are baseball fields, basketball courts, lighted tennis courts, volleyball/sport courts, open areas for football and soccer, playground areas (tot lot areas), picnic tables, barbecue pits, electricity upon request, drinking fountains, restrooms, trails and a dog park for small and large dogs.

The Community Services Department is responsible for providing quality parks and facilities and the Public Works Department provides maintenance and improvements to the parks. According to the General Plan, the City's standard provision of parks to residents is 3.0 acres of parkland per 1,000 residents.

3.6 Animal Control

Before Annexation

The County San Bernardino Animal Care and Control Program currently provides services to the annexation area.

After Annexation

Upon annexation, the City of Chino will contract with the Inland Valley Humane Society to provide animal control services to the proposed annexation area.

3.7 Transportation

Before Annexation

Current transportation services for Chino include freeways and interchanges serviced by Caltrans; arterials, collectors and local roads serviced by the County Public Works Department; and public transit serviced by Omnitrans, Foothill Transit, Orange County Transportation Authority, Metrolink, and Amtrak.

After Annexation

Caltrans and the previously mentioned public transit agencies will continue to provide their services post annexation. The City will service public arterials, collectors, local roads and signals associated with the proposed project. The developer will be responsible for street improvements and the fees for local circulation systems, as shown in Chapter 4.

3.8 Street Lighting and Traffic

Before Annexation

Two existing street lights are currently serviced by Southern California Edison (SCE).

After Annexation

Upon annexation, the project area will be annexed into Chino's Street Lighting District.

3.9 Landscape Maintenance

Before Annexation

The annexation area is not currently in a landscape maintenance district.

After Annexation

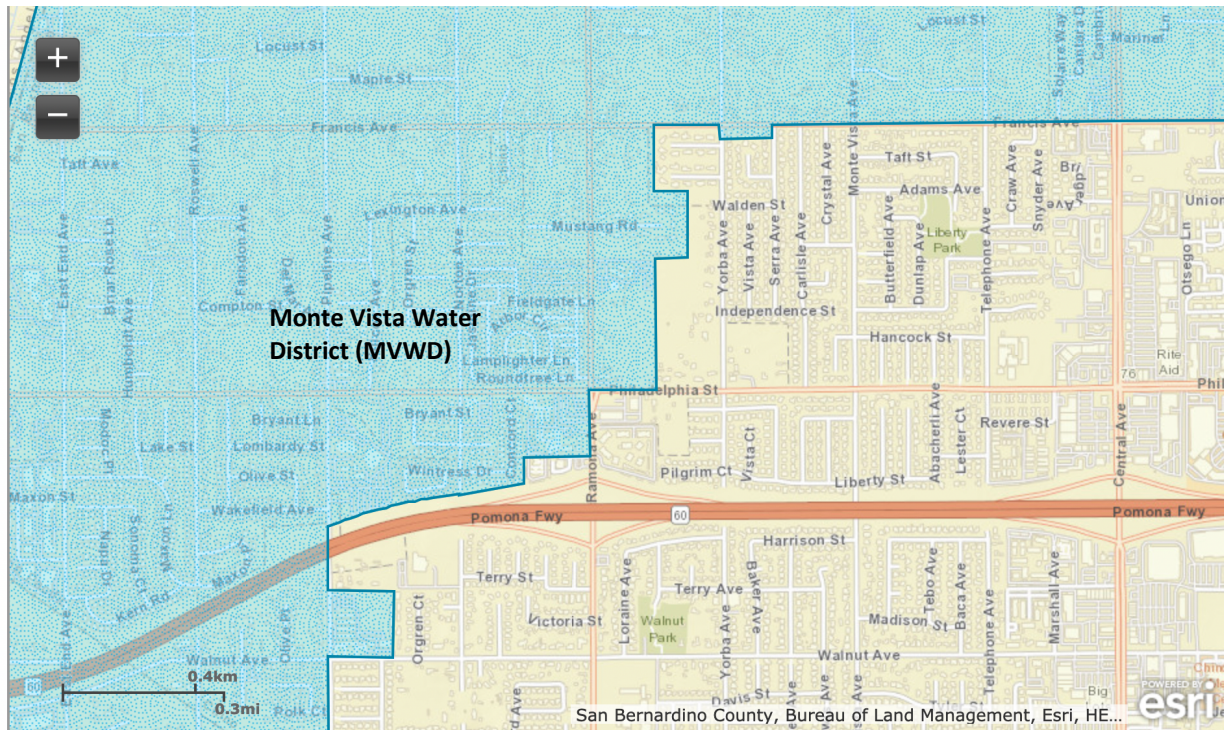
The City Public Works Department will be responsible for landscape maintenance associated with the project after annexation. The developer is responsible for the plans and specifications for the landscaping and irrigation improvements for the proposed project.

3.10 Water

Before and After Annexation

The City of Chino and The Monte Vista Water District (MVWD) currently provide retail potable water service to different portions of the Ramona Francis Annexation Area. The service area for the MVWD is shown in Figure 3-2, which shows the district boundary cut midway between Ramona Ave and Yorba Ave. The annexation area currently receives domestic water and water quality services from Chino and MVWD, and recycled water services from the Inland Empire Utilities Agency (IEUA). These services will continue to be provided by the same agencies upon annexation.

Figure 3-2
Monte Vista Water District (MVWD) Service Area
City of Chino and Surrounding Areas



Source: San Bernardino County, LAFCO.

3.11 Wastewater/Sewer

Before Annexation

Wastewater/sewer services are not currently provided to the Ramona Francis Annexation Area site. The site is located in the IEUA service area, which provides the operations and maintenance of regional sewer collection facilities for the City and the areas outside its boundaries, as shown in Figure 3-3.

After Annexation

The City of Chino is served by a local wastewater system and the regional IEUA system. The local system consists of a City-owned and maintained gravity flow collection and conveyance sanitary sewer system. The Ramona Francis Annexation Area will connect to the local City system upon annexation. The wastewater treatment capacity of the City system is 71.7 million gallons per day (mgd), with anticipated use of about 10.7 mgd at buildout of the City's General Plan. There is

sufficient surplus treatment capacity in the City system to accommodate the estimated 4,680 gallons of wastewater per day from buildout of the proposed Ramona Francis Annexation Area.

The IEUA owns and operates a 66-mile regional interceptor system that collects and conveys wastewater from local sewers owned and operated by its member agencies, including the City of Chino. The IEUA has organized its service area into two portions: the Northern Service Area (NSA), generally north of State Route 60, and the Southern Service Area (SSA), generally south of State Route 60. The annexation area is within the NSA. The City of Chino itself does not have wastewater treatment facilities and therefore depends on the IEUA treatment plants. The City of Chino pays the IEUA for the treatment and disposal of wastewater. The wastewater treatment requirements of the projected growth in the Ramona Francis Annexation Area are within the existing capacity of the IEUA.

3.12 Solid Waste Management

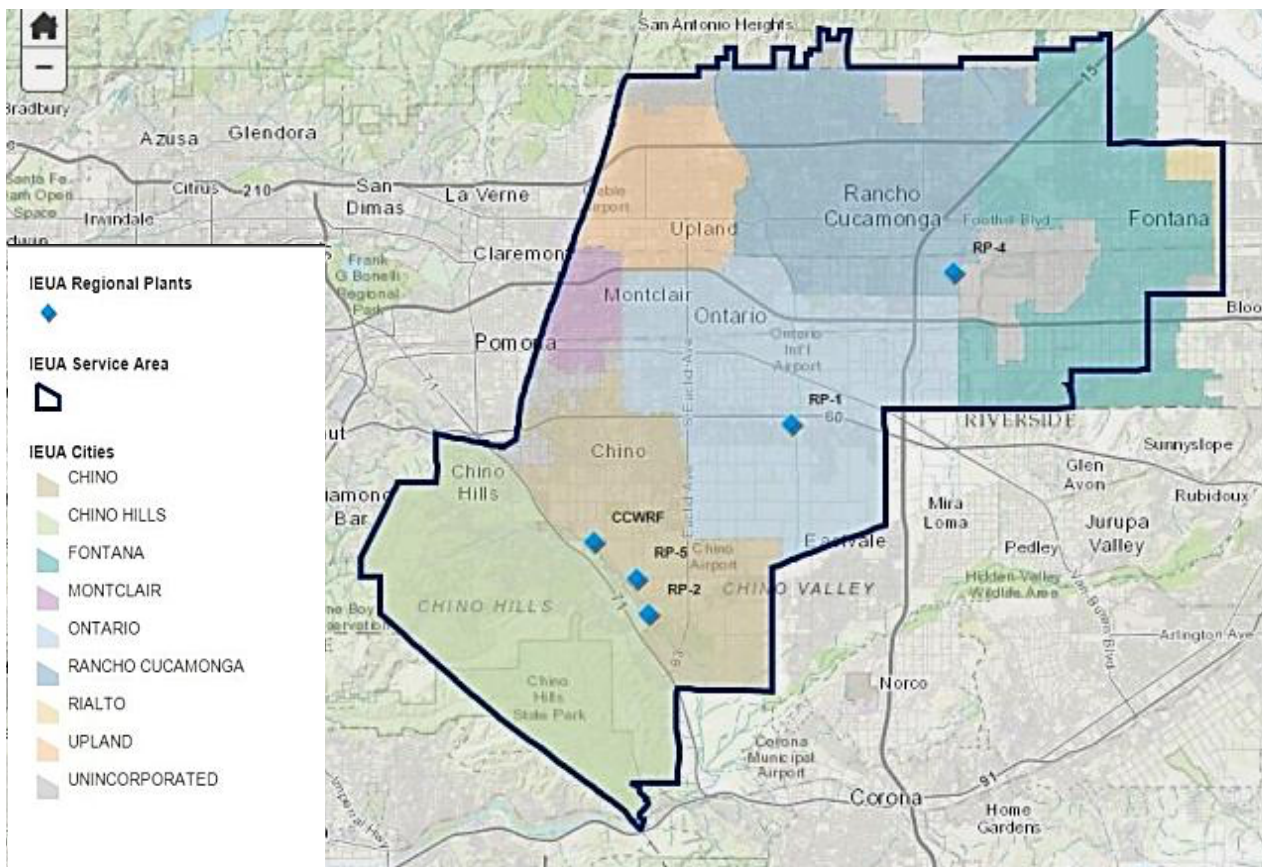
Before Annexation

The current service provider for collection of solid waste in the annexation area is USA Waste of California within County area designated CFA-3 covering most of the annexation area and Burrtec Waste Industries within County area designated CFA-2 for a portion of the annexation area north of Francis Street between Yorba Avenue and Norton Avenue.

After Annexation

The City contracts with Waste Management, Inc. to provide solid waste collection services. Solid waste that is not diverted to recycling or composting facilities is transported to the El Sobrante Landfill. The proposed project is expected to have minimal impact on the landfill facility.

Figure 3-3
Inland Empire Utilities Agency Service Area
City of Chino and Surrounding Areas



Sources: Stanley R. Hoffman Associates, Inc.
 Inland Empire Utilities Agency

3.13 Flood Control and Drainage

Before and After Annexation

The City of Chino, the San Bernardino County Flood Control District (SBCFD) and the Army Corp of Engineers manage flood control in the City. The City has several flood control channels and creeks. Deficiencies were identified in the City's Master Plan of Drainage. Any required drainage improvement will be part of the conditions of project approval for new development.

The County Flood Control District is responsible for intercepting and conveying flood flows through and away from the City.

In accordance to the National Pollutant Discharge Elimination System (NPDES) permit program, the proposed project is required to design their storm water collection system to control water pollution by regulating point sources that discharge pollutants into the water. The on-site storm drain system would be designed, installed and maintained per City Public Works Division standards. Costs for these improvements will be covered by the developer or through development impact fees, as estimated in Table 4-2.

3.14 Utilities

Before and After Annexation

Utilities include Cable, Internet, Telephone, Power, and Natural Gas. Before and after annexation, the following services will be provided:

1. Cable/Internet/ Telephone - Time Warner and Verizon
2. Power – Southern California Edison
3. Natural Gas – Southern California Gas Company

3.15 Schools

Before and After Annexation

Public education in the City of Chino is provided by the Chino Valley Unified School District (CVUSD). Schools in the CVUSD that provide service to the annexation area include: E. J. Marshall Elementary School, Ramona Junior High School, and Don Antonio Lugo High School. Collectively, these schools provide education for students from Kindergarten through 12th grade. CVUSD is the current school service provider for the annexation area and will continue in this role after annexation.

3.16 Health and Welfare

Before and After Annexation

San Bernardino County Department of Public Health currently services the City for the general public's health and welfare and will provide these services to the proposed project upon annexation with no changes in service levels or costs. The department provides a variety of programs and services that informs and educates the public about health issues.

CHAPTER 4

ONE-TIME FEES AND CHARGES

This section presents the one-time fees and charges for the Ramona Francis Annexation Area associated with the new single family residential units under the Annexation Development Scenario, including total 45 new residential units by Year 5 upon annexation and total 120 new units by Buildout 2040. Development fees are one-time fees paid for by the developer to offset the additional public capital costs of new development. Based on discussions with City Staff, it is indicated that the City will collect only Sewage Collection System fees from the 45-units Yorba Villas project. All relevant City fees will be collected from the remainder 75 new units in the annexation area outside Yorba Villas.

As summarized in Table 4-1, under the Annexation Development Scenario, the cumulative City development impact fees (DIFs) and the Chino Valley Unified School District (CVUSD) DIFs for the projected growth are estimated at a total of \$740,698 by Year 5. Of this total, City related development impact fees are estimated at \$29,383, and the CVUSD fees are estimated at \$711,315. By Buildout 2040, total cumulative DIFs increase to \$4.53 million, with \$2.63 million accruing to the City of Chino and \$1.90 million to the CVUSD.

Detailed development impact fees are presented in Table 4-2 for Year 5 and Table 4-3 for Buildout 2040. The City of Chino administers a capital impact administration charge that is 12 percent of the development impact fees related to categories B through J in Panel A of Table 4-2 and Table 4-3. The capital impact administration charge is not applicable to the CVUSD DIF in Panel B.

Table 4-1
Summary of Cumulative Development Impact Fees
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Fee Category | Year 5 Impact Fees | Buildout 2040 |
|---|-----------------------|--------------------|
| <u>City of Chino Development Impact Fees</u> | \$29,383 | \$2,632,369 |
| <u>Chino Valley Unified School District Developer Impact Fees</u> | <u>\$711,315</u> | <u>\$1,896,840</u> |
| Total Fees | \$740,698 | \$4,529,209 |

Sources: Stanley R. Hoffman Associates, Inc.

City of Chino Development Services Department, *Fee Schedule, July 1, 2023*.

Chino Valley Unified School District, *Developer Fee Schedule, Board Effective, June 20, 2022*

Table 4-2
Cumulative Development Impact Fees, Year 5
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Fee Category | Units | Fee per Unit | Total Fees |
|--|--|---|------------------|
| Panel A. City Development Impact Fees | | | |
| Capital Impact Administration Charge ¹ | 12% of City Development Impact Fees Subtotal | | |
| 1. Law Enforcement Facilities, Vehicles and Equipment | 0 | \$637 | \$0 |
| 2. Fire Suppression Facilities, Vehicles and Equipment | 0 | \$1,310 | \$0 |
| 3. Circulation (Streets, Signals and Bridges) System | 0 | \$4,586 | \$0 |
| 4. Storm Drainage Collection System Facilities | 0 | \$2,396 | \$0 |
| 5. Water Source, Storage and Distribution ² | n/a | n/a | n/a |
| 6. Sewage Collection System | 45 | \$583 | \$26,235 |
| 7. General Facilities, Vehicles and Equipment | 0 | \$156 | \$0 |
| 8. Public Use (Community Center) Facilities | 0 | \$4,736 | <u>\$0</u> |
| Subtotal 1-8 | | | \$26,235 |
| 12% Capital Impact Administration Charge | | | <u>\$3,148</u> |
| City Development Impact Fees Subtotal | | | \$29,383 |
| Additional City Related Development Impact Fees (with no 12 percent Capital Impact Administration Charge) | | | |
| Residential Parks and Recreation Fee | 0 | \$22,494 | \$0 |
| Sewage Facilities Development Fee | 0 | \$7,600 | <u>\$0</u> |
| Additional City Related Development Impact Fees Subtotal | | | \$0 |
| Total City Development Impact Fees | | | \$29,383 |
| Panel B. School Development Impact Fees | | | |
| | Estimated Total Square Feet of Units ³ | Fee per Residential Building Square Foot | |
| Chino Valley Unified School District | 148,500 | \$4.79 | \$711,315 |
| Total Development Impact Fees | | | \$740,698 |

1. The City of Chino administers a Capital Impact Administration Charge that is 12% of the development impact fees related to categories 1-8 in Panel A. School Fees and Additional City Related Development Impact Fees are excluded from the Capital Impact Administration Charge.
2. The Yorba Villas project will receive domestic water and water quality services from the Monte Vista Water District. Therefore, City water source, storage and distribution fees are not included for this project.
3. The estimated total square feet of units is based on an average size of 3,300 square feet per single family residence from prior studies single family residence. Therefore, a total of 148,500 square feet is estimated for 45 units.

Sources: Stanley R. Hoffman Associates, Inc.

City of Chino Development Services Department, *Fee Schedule, July 1, 2023.*

Chino Valley Unified School District, *Developer Fee Schedule, Board Effective, June 20, 2022*

Table 4-3
Cumulative Development Impact Fees, Buildout 2040
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Fee Category | Units | Fee per Unit | Total Fees |
|---|--|---|--------------------|
| Panel A. City Development Impact Fees | | | |
| Capital Impact Administration Charge ¹ | 12% of City Development Impact Fees Subtotal | | |
| 1. Law Enforcement Facilities, Vehicles and Equipment | 75 | \$637 | \$47,775 |
| 2. Fire Suppression Facilities, Vehicles and Equipment | 75 | \$1,310 | \$98,250 |
| 3. Circulation (Streets, Signals and Bridges) System | 75 | \$4,586 | \$343,950 |
| 4. Storm Drainage Collection System Facilities | 75 | \$2,396 | \$179,700 |
| 5. Water Source, Storage and Distribution ² | n/a | n/a | n/a |
| 6. Sewage Collection System | 120 | \$583 | \$69,960 |
| 7. General Facilities, Vehicles and Equipment | 75 | \$156 | \$11,700 |
| 8. Public Use (Community Center) Facilities | 75 | \$4,736 | <u>\$355,200</u> |
| Subtotal 1-8 | | | \$1,106,535 |
| 12% Capital Impact Administration Charge | | | <u>\$132,784</u> |
| City Development Impact Fees Subtotal | | | \$1,239,319 |
| Additional City Related Development Impact Fees (with no 12 percent Capital Impact Administration Charge) | | | |
| Residential Parks and Recreation Fee | 75 | \$11,619 | \$871,425 |
| Sewage Facilities Development Fee | 75 | \$6,955 | <u>\$521,625</u> |
| Additional City Related Development Impact Fees Subtotal | | | \$1,393,050 |
| Total City Development Impact Fees | | | \$2,632,369 |
| Panel B. School Development Impact Fees | | | |
| | Estimated Total Square Feet of Units ³ | Fee per Residential Building Square Foot | |
| Chino Valley Unified School District | 396,000 | \$4.79 | \$1,896,840 |
| Total Development Impact Fees | | | \$4,529,209 |
| <p>1. The City of Chino administers a Capital Impact Administration Charge that is 12% of the development impact fees related to categories 1-8 in Panel A. School Fees and Additional City Related Development Impact Fees are excluded from the Capital Impact Administration Charge.</p> <p>2. The Yorba Villas project will receive domestic water and water quality services from the Monte Vista Water District. Therefore, City water source, storage and distribution fees are not included for this project.</p> <p>3. The estimated total square feet of units is based on an average size of 3,300 square feet per single family residence from prior studies single family residence. Therefore, a total of 396,000 square feet is estimated for 120 units.</p> <p>Sources: Stanley R. Hoffman Associates, Inc. City of Chino Development Services Department, <i>Fee Schedule, July 1, 2023</i>. Chino Valley Unified School District, <i>Developer Fee Schedule, Board Effective, June 20, 2022</i></p> | | | |

CHAPTER 5

FISCAL IMPACTS OF ANNEXATION AREA

This chapter presents the fiscal impacts of the Ramona Francis Annexation Area to the City of Chino General Fund on annual recurring basis and the projected recurring state gas tax to the City Gas Tax Fund after annexation. Projected annual recurring costs to the General Fund are for ongoing operations and maintenance expenditures. Fiscal impacts are shown in Constant 2022 Dollars with no adjustment for possible future inflation. The fiscal assumptions for the fiscal analysis are presented in Chapter 6. The fiscal analysis assumes that City of Chino receives the entire 10.8 percent of the 1 percent property tax after annexation.

5.1 Fiscal Impacts

As summarized in Table 1, under the Annexation Development Scenario, a total of \$210,447 is projected in annual revenues to the City General Fund at Year 5 upon annexation. The cumulative growth results in \$403,913 in annual costs to the City General Fund for operations and maintenance. This results in a projected annual deficit of \$193,466 to the City General Fund at Year 5 at a revenue to cost ratio of 0.52. Annual state gasoline tax to the City Gas Tax Fund is projected \$12,570 at Year 5.

Table 5-1
Summary of Projected Fiscal Impacts
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Category | Year 5 Upon Annexation | Total Buildout 2040 |
|--|------------------------------|---------------------------|
| A. GENERAL FUND | | |
| Annual Recurring Revenues | \$210,447 | \$385,389 |
| Annual Recurring Costs | <u>\$403,913</u> | <u>\$576,418</u> |
| Net Annual Recurring Surplus or Deficit | -\$193,466 | -\$191,029 |
| Revenue to Cost Ratio | 0.52 | 0.67 |
| B. GAS TAX FUND | | |
| Annual Recurring State Gas Tax ¹ | \$12,570 | \$17,923 |

1. State gas tax generated by future project residents accrues to the City Gas Tax Fund and is then transferred to the City Transportation Fund to pay for street related operations and maintenance costs.

Source: Stanley R. Hoffman Associates, Inc.

As also shown in Table 1, at buildout year 2040, a total of \$385,389 are projected in annual revenues to the City General Fund, including residential growth after Year 5 of annexation. The cumulative development at total Buildout 2040 results in \$576,418 in annual costs to the City General Fund for annual recurring operations and maintenance. This results in an annual deficit of \$191,029 projected to the City General Fund at Buildout 2040 for the Ramona Francis Annexation Area at a revenue to cost ratio of 0.67. Annual state gasoline tax to the City Gas Tax Fund is projected \$17,923 at Buildout 2040.

5.2 Phased Fiscal Impacts

The projected cumulative impacts to the City General Fund for the first five years upon annexation and Buildout 2040 for the Annexation Development Scenario for the Ramona Francis Annexation Area are presented in Table 5-2.

Up to Year 5 upon Annexation

As shown in Table 5-2, at Year 1 upon annexation, an annual fiscal deficit of \$188,656 is projected to the General Fund, which includes only the existing development in the Ramona Francis Annexation Area at a revenue to cost ratio of 0.35. This includes \$102,934 in annual revenues and \$291,590 in annual operations and maintenance costs.

By Year 3 through Year 5 upon annexation, with the completion of the Yorba Villas project, the revenue to cost ratio improves to 0.52 with projected annual revenues increasing to \$210,447 and annual costs increasing to \$403,913 for a deficit of \$193,466.

State gas tax is allocated on a per capita basis. State gas tax is projected at \$9,083 in Year 1 and increases to \$12,570 at Year 5. These revenues are earmarked for road related expenditures.

Buildout 2040

As shown in Table 5-2, by Buildout 2040, including residential growth after Year 5 of annexation, the revenue to cost ratio improves further to 0.67 with projected revenues increasing to \$385,389 and costs increasing to \$576,418 for a deficit of \$191,029. State gas tax is allocated on a per capita basis is projected to increase to \$17,923 at buildout.

Table 5-2
Detailed Projected Recurring Fiscal Impacts
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Category | ANNEXATION AREA 1 | | | | | | |
|--|-------------------|-------------------|-------------------|-------------------|-------------------|--------------------|------------------|
| | (Upon Annexation) | | | | | TOTAL | Percent of Total |
| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | BUILDOUT Year 2040 | |
| A. GENERAL FUND | | | | | | | |
| <u>General Fund Annual Recurring Revenues</u> | | | | | | | |
| Property Taxes | \$58,140 | \$58,140 | \$94,590 | \$94,590 | \$94,590 | \$155,340 | 44.9% |
| Property Tax - In Lieu of VLF | 0 | 0 | 23,625 | 23,625 | 23,625 | 63,000 | 11.2% |
| Franchise Fees | 12,525 | 12,525 | 17,335 | 17,335 | 17,335 | 24,716 | 8.2% |
| Off-Site Retail Sales and Use Tax | 0 | 0 | 28,310 | 28,310 | 28,310 | 75,492 | 13.5% |
| Real Property Transfer Tax | 0 | 1,184 | 1,927 | 1,927 | 1,927 | 3,164 | 0.9% |
| Licenses, Permits, Fines and Fines | 2,850 | 2,850 | 3,944 | 3,944 | 3,944 | 5,624 | 1.9% |
| Charges for Services (excluding one-time charges) | 1,305 | 1,305 | 1,806 | 1,806 | 1,806 | 2,575 | 0.9% |
| Other Revenue | 4,451 | 4,451 | 6,161 | 6,161 | 6,161 | 8,784 | 2.9% |
| Transfers in to General Fund | <u>23,663</u> | <u>23,663</u> | <u>32,749</u> | <u>32,749</u> | <u>32,749</u> | <u>46,694</u> | <u>15.6%</u> |
| Total Recurring Revenues | \$102,934 | \$104,118 | \$210,447 | \$210,447 | \$210,447 | \$385,389 | 100.0% |
| <u>General Fund Annual Recurring Costs</u> | | | | | | | |
| General Government | \$27,332 | \$27,333 | \$37,828 | \$37,828 | \$37,828 | \$53,936 | 9.4% |
| Contribution to Chino Valley Independent Fire District | 1,447 | 1,447 | 2,355 | 2,355 | 2,355 | 3,867 | 0.6% |
| Police Protection | 169,665 | 169,670 | 234,816 | 234,816 | 234,816 | 334,806 | 58.1% |
| Community Development | 9,746 | 9,746 | 13,489 | 13,489 | 13,489 | 19,233 | 3.3% |
| Public Works | 1,665 | 1,665 | 2,304 | 2,304 | 2,304 | 3,286 | 0.6% |
| Transfers to Other Funds | <u>81,735</u> | <u>81,735</u> | <u>113,121</u> | <u>113,121</u> | <u>113,121</u> | <u>161,290</u> | <u>28.0%</u> |
| Total Recurring Costs | \$291,590 | \$291,596 | \$403,913 | \$403,913 | \$403,913 | \$576,418 | 100.0% |
| <u>General Fund Annual Recurring Surplus</u> | <u>-\$188,656</u> | <u>-\$187,478</u> | <u>-\$193,466</u> | <u>-\$193,466</u> | <u>-\$193,466</u> | <u>-\$191,029</u> | |
| <u>General Fund Revenue/Cost Ratio</u> | <u>0.35</u> | <u>0.36</u> | <u>0.52</u> | <u>0.52</u> | <u>0.52</u> | <u>0.67</u> | |
| B. GAS TAX FUND | | | | | | | |
| Annual Recurring State Gas Tax ¹ | \$9,083 | \$9,083 | \$12,570 | \$12,570 | \$12,570 | \$17,923 | |

1. State gas tax generated by future project residents accrues to the City Gas Tax Fund and is then transferred to the City Transportation Fund to pay for street related operations and maintenance costs.

Sources: Stanley R. Hoffman Associates, Inc.

5.3 General Fund Projected Recurring Revenues and Costs at Year 5

Recurring Revenues

About 78 percent of the total projected revenues at Year 5 under Annexation Development Scenario include property tax, PTVLF, sales and use tax, and franchise fees.

Recurring Costs

Police protection and General Fund transfers to other City funds that provide City services are

the largest projected recurring costs and account for about 86 percent of total projected recurring costs for the Ramona Francis Annexation Area at Year 5.

5.4 Fire Protection

The Chino Valley Independent Fire District (CVIFD) provides fire protection to the project site and will continue to provide service after annexation to the City of Chino. Based on discussion with the City Finance Director in prior studies, when the TRA allocation to the CVIFD is below the citywide average of about 15.07 percent of the basic one percent levy, the City has a contract to provide payments to the CVIFD to make up the difference between the specific TRA allocation for the annexed area and the citywide average of 15.07 percent. The Ramona Francis Annexation Area is located within TRAs 61056, 61060, 61101, 61102 and 61103, which allocate an average of about 14.80 percent of the one percent property tax levy to the CVIFD. Therefore, the City will transfer an amount equal to the difference of about 0.27 percent (15.07-14.80) of the basic one percent property tax levy for the Ramona Francis Annexation Area to the CVIFD.

CHAPTER 6

CITY OF CHINO FISCAL ASSUMPTIONS

This chapter presents the revenue and cost assumptions for the fiscal analysis of the Ramona Francis Annexation Area proposed annexation. The general demographic and economic assumptions used for calculating fiscal factors are first presented. The assumptions for projecting recurring revenues are then presented followed by the assumptions for projecting recurring costs. The City's revenues and costs as presented in the *City of Chino, Fiscal Year 2023-24 Budget* and discussions with key City staff are the sources for calculating fiscal factors.

6.1 City General Assumptions

Fiscal impacts that are not based on valuation and taxable sales are generally projected based on a per capita, per employee, or per service population basis. General fund revenue and cost factors are estimated by dividing the Fiscal Year (FY) 2023-24 budget categories by the City's population, employment, or total service population. Table 6-1 provides the City's general assumptions for this fiscal analysis.

Population

Chino's total population of 93,137 is based on the State Department of Finance (DOF) estimate as of January 1, 2023. The City population estimate is used for projecting certain revenues and costs on a per capita basis, such as State subvented gas taxes.

Employment

The total City employment of 53,000 for the year end 2023 is based on an interpolation of the 2019 and 2035 City employment estimates from the Southern California Association of Governments' (SCAG) *Draft 2024 RTP/SCS ("Connect SoCal 2024") Growth Projections*.

To account for the workers who live and work in the City, the estimated share of workers from outside the City is used as the employment estimate for the fiscal analysis. Based on the U.S. Census Bureau 2021 Longitudinal Employer-Household Dynamic (LEHD) report for the City, about 92 percent of the total workers in the City come from outside the City, as shown in Appendix Table A-1. When this share is applied to the total employment estimate of 53,000, workers that commute into the City are estimated at 48,760.

Table 6-1
City Population, Housing and Employment Assumptions
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino

| Assumption | Description |
|-----------------|---|
| | <u>Population and Housing</u> ¹ |
| 88,797 | Household Population |
| <u>4,340</u> | <u>Group Quarters Population</u> |
| 93,137 | Total Population |
| 21,736 | Single Family Units |
| <u>6,918</u> | <u>Multi-Family Units</u> |
| 28,654 | Total Housing Units |
| 27,735 | Occupied Housing Units |
| 3.20 | Average Citywide Household Size |
| | <u>Employment</u> |
| 53,000 times | Total Employment in the City ² |
| 92% equals | Estimated Share of Total Employment Commuting into the City ³ |
| 48,760 | Estimated Employment Commuting into the City ³ |
| | <u>Estimated Service Population</u> ⁴ |
| 93,137 | Total Population |
| <u>24,380</u> | <u>Estimated Employment (at 50 percent of 48,760 workers commuting into the City)</u> |
| 117,517 | Estimated Daily Total Service Population |

1. Population and housing estimates are January 1, 2023 estimates from the California Department of Finance (DOF).
2. The total City employment estimate is for 2023 based on an interpolation of the 2019 and 2035 estimates from the Southern California Association of Governments (SCAG), *Draft SCAG 2024 RTP/SCS ("Connect SoCal 2024") Growth Projections*.
3. Residents that live and work in the City are removed from the total City employment estimate because the impacts from these workers are included in the impacts to residents. Based on the 2021 U.S. Census Bureau Longitudinal Employer-Household Dynamics (LEHD) report for the City presented in Table A-1, about 92 percent of the total workers in the City come from outside the City, resulting in an estimate of 48,760 workers from outside the City.
4. The fiscal analysis defines the service population as an estimate of resident population plus 50 percent of employment from outside the City. Estimates of employment from outside the City are weighted at 50 percent to account for the estimated less frequent use of City services by employment versus resident population.

Sources: Stanley R. Hoffman Associates, Inc.

State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State – January 1, 2020-2023*, Sacramento, California, May 2023

Southern California Association of Governments (SCAG), *Draft SCAG 2024 RTP/SCS ("Connect SoCal 2024") Growth Projections*
U.S. Census Bureau, Longitudinal Employer-Household Dynamics (LEHD), *OnTheMap for Chino, California*, 2021

Estimated Service Population

Fiscal factors that are impacted by population and employment are estimated by allocating total budgeted revenues or costs to the estimated service population. Service population includes the City's total population plus 50 percent of the estimated City employment from outside the City. Employment from outside the City is weighted at 50 percent to account for the estimated less frequent use of City services by employment versus resident population.

As shown in Table 6-1, the service population for the City is estimated at 117,517. The service population estimate includes the resident population of 93,137 and the weighted employment from outside the City of 24,380 (50 percent of 48,760). The self-employed are not included in the weighted employment estimate, because they are assumed to be represented in the resident population estimate.

6.2 City General Fund Revenue Assumptions

The revenue factors for the General Fund recurring revenues projected in the fiscal analysis are summarized in Table 6-2. These revenue factors are based on the City's Fiscal Year (FY) 2023-24 revenues presented in Appendix Table A-2 and the City's population and service population estimates that are presented in Table 6-1.

As shown in Table 6-2, projected General Fund revenues include property tax; vehicle license fees (VLF) - property tax in lieu; franchise fees; sales and use tax; real property transfer tax; licenses, permits, fines and fees; intergovernmental revenues; charges for services; other revenue; transfers in to the General fund; and interest earned on recurring revenues.

Property Tax

Property tax revenues are projected based on the City's share of the one percent property tax levy on the estimated assessed valuation for the proposed development in the Ramona Francis Annexation Area. The current allocation rates of the one percent property tax for the tax rate areas (TRAs) 61056, 61060, 61101, 61102 and 61103 in the annexation area are presented in Appendix Table A-3. The City's historic share of the 1.0 percent basic levy is estimated at about 10.80 percent. It is assumed that the City will receive 100 percent of its historic allocation upon annexation of the Ramona Francis Annexation Area to the City.

VLF - Property Tax in Lieu (PTVLF)

Cities and counties began receiving additional property tax revenue to replace vehicle license fee (PTVLF) revenue that was lowered when the State reduced the vehicle license tax in 2004. This VLF - property tax in lieu is projected to grow with the change in the citywide gross

Table 6-2
General Fund and Gas Tax Fund Recurring Revenue Factors
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Revenue Source | Fiscal Year 2023-24 Revenues | Projection Basis ¹ | Annual Projection Factors or Amounts |
|--|------------------------------------|--|---|
| A. GENERAL FUND | | | |
| <u>Property Tax</u> ² | \$15,348,749 | Case Study: Project Valuation | 10.8% City General Fund share of 1% levy |
| <u>VLF - Property Tax In Lieu</u> ³ | \$13,763,468 | Case Study: New Valuation | \$700 per \$1,000,000 assessed valuation |
| <u>Franchise Fees</u> | \$3,925,326 | Service Population = 117,517 | \$33.40 per service population |
| <u>Sales and Use Tax</u> | \$36,944,404 | Case Study: Taxable Sales Use Tax as Percent of Sales Tax | 1% of taxable sales 16.5% of sales tax |
| <u>Real Property Transfer Tax</u> | \$550,000 | Property Turnover and Valuation Assumptions | 4.0% turnover rate \$0.55 per \$1,000 |
| <u>Licenses, Permits, Fines and Fees</u> | \$893,050 | Service Population = 117,517 | \$7.60 per service population |
| <u>Intergovernmental Revenue</u> | \$85,000 | Total Population = 93,137 | \$0.91 per capita |
| <u>Charges for Services</u> | \$408,665 | Service Population = 117,517 | \$3.48 per service population |
| <u>Other Revenue</u> | \$1,105,661 | Total Population = 93,137 | \$11.87 per capita |
| <u>Transfers to General Fund</u> ⁴ | \$7,415,650 | Service Population = 117,517 | \$63.10 per service population |
| <u>Interest Earnings</u> | \$1,800,000 | Share of Non-Interest Recurring Revenues = \$82,039,973 | 2.2% not projected |
| B. GAS TAX FUND | | | |
| Ongoing State Gasoline Tax ⁵ | \$2,255,914 | Total Population = 93,137 | \$24.22 per capita |

1. For fiscal factors that are based on population and employment, an estimated service population factor is applied, which represents the City's population plus 50 percent of the estimated employment commuting into the City, as shown in Table 6-1.
2. The fiscal analysis projects property tax to the City General Fund at the historic rate of 10.8 percent of the basic one percent property tax levy on the estimated assessed valuation for the Area 1 annexation area.
3. The State has lowered the amount of vehicle license fees (VLF) received by cities and counties. However, the State is providing property taxes to offset the VLF reduction. VLF is estimated to change according to the City's increase in assessed valuation, as shown in Table A-4.
4. Based on discussion with City Finance staff, the General Fund receives revenues from other funds for provision of services to the funds, such as enterprise funds (water, sewer, storm drain and sanitation). The revenue transfers to the General Fund that are considered ongoing are presented in detail in Table A-7.
5. The fiscal analysis does not project Gas Tax Section 2107.5 revenues, which do not increase at a one-to-one basis with population growth, but increase based on specific population levels for the total City. It is assumed that the proposed project will not impact this allocation. Also, interest earned on investments is not projected for the Gas Tax Fund.

Sources: Stanley R. Hoffman Associates, Inc.
City of Chino, *Fiscal Year 2023-24 Budget*
State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State, January 1, 2020-2023*,
Sacramento, California, May 2023.
Southern California Association of Governments (SCAG), *Draft SCAG 2024 RTP/SCS ("Connect SoCal 2024") Growth Projections*
City of Chino, Finance Department

assessed valuation (AV) of taxable property from the prior year. VLF - property tax in lieu revenue is allocated in addition to other property tax apportionments.

As shown in Table 6-2, the VLF - property tax in lieu in the City is projected to increase at \$700 per million dollars of new assessed valuation (AV). This factor is based on the change in AV and

the change in VLF - property tax in lieu in the City from one fiscal year to the next fiscal year over the fiscal years from 2014 through 2022, as shown in Appendix Table A-4.

Per State law, when an annexation occurs the existing valuation in the area that is being annexed cannot be used in adjusting the base amount of assessed valuation in the annexing City. The City will receive VLF - property tax in lieu based on the change in its gross assessed valuation of taxable property for new development in the annexed area.

Franchise Fees

The City receives a franchise fee from telephone/mobile, natural gas, electricity, water, cable/satellite and refuse businesses within Chino for use of public rights-of-way. Based on the City Fiscal Year (FY) 2023-24 adopted budget revenues of \$3.93 million and the City's estimated service population, franchise fees are projected at \$33.40 per service population, as shown in Table 6-2.

Sales and Use Tax

As part of the total sales tax levied by the State, all cities and counties in the State generally receive a basic one percent (1.0 percent) sales tax and have the option to levy additional sales taxes under certain circumstances. The fiscal analysis projects sales and use tax based on the estimated retail taxable sales made in the City by the future residents of the Project.

In addition to sales tax revenue, the City receives revenues from the use tax, which is levied on shipments into the state and on construction materials for new residential and non-residential development not allocated to a situs location. Use tax is allocated by the State Board of Equalization (BOE) to counties and cities based on each jurisdiction's proportion of countywide and statewide direct taxable sales.

Appendix Table A-5 presents the City sales and use tax obtained from the California Department of Tax and Fee Administration (CDTFA) showing \$3.70 million of total sales and use tax was made from levies designated as use tax and the remaining \$22.35 million of the sales and use tax was point-of-sale sales tax. Therefore, use tax revenues to the City of Chino are estimated at an additional 16.5 percent of point-of-sale sales tax.

Real Property Transfer Tax

Sales of real property are taxed by San Bernardino County at a rate of \$1.10 per \$1,000 of

property value. For property located in the City, property transfer tax is divided equally between the City and the County, with the City receiving \$0.55 per \$1,000 of transferred property value. Based on the U.S. Census Bureau, 2018-2022 American Community Survey, residential development in the City is assumed to change ownership at an average rate of about 4.0 percent per year, as shown in Appendix Table A-6.

Licenses, Permits, Fines and Fees

These fees are projected at \$7.60 per service population based on revenues of \$893,050 and the current city service population estimate of 117,517. Projected revenues in this category include recurring licenses, permits, parking citations, court fines and other fines as shown in Appendix Table A-2.

Intergovernmental Revenue

This category includes vehicle license fees and Peace Officer Standards Training (POST) which are allocated on a population basis. As shown in Table 6-2, these revenues are based on the FY 2023-24 adopted revenues of \$85,000 for \$0.91 per capita.

Charges for Services

Charges for services include sales of maps and publications, towing fees, false alarm fees, vehicle impound fees and miscellaneous services, as shown in Appendix Table A-2. Recurring charges for services are projected at \$3.48 per service population based on revenues of \$408,665 and the current city service population estimate of 117,517.

Other Revenue

As shown in Table 6-2, these revenues are projected at \$11.87 per capita based on FY 2023-24 revenues of \$1.11 million and the City population estimate of 93,137. Revenues in this category include reimbursements, contributions, and miscellaneous revenue.

Transfers to General Fund

As shown in Table 6-2, transfers to the General Fund are projected at \$63.10 per service population based on FY 2023-24 budget revenues of \$7.42 million and the City's estimated service population of 117,517. Transfers to the City General Fund from other City funds for provision of services to these funds, include enterprise funds for sewer, storm drain and sanitation. Detailed ongoing transfers to the General Fund are included in Appendix Table A-7.

Interest Earnings

These revenues represent about 2.2 percent of projected recurring General Fund revenues. However, they are not projected in the fiscal analysis because they are minimal.

6.3 City Gas Tax Fund

State gasoline taxes are projected at \$24.22 per capita based on the FY 2023-24 budget revenue amount of \$2.26 million and the City population estimate of 93,137. State Gasoline tax accrues to the Gas Tax Fund and is then transferred to the Transportation Fund. Gas tax revenues contribute to expenditures for street maintenance, including sidewalks, curbs, gutters and other street related maintenance.

6.4 City General Fund Cost Assumptions

The General Fund cost factors that are used in preparing the fiscal analysis for the Ramona Francis Annexation Area are presented in Table 6-3. These factors are based on the expenditures in the City's FY 2023-24 budget shown in Table 6-4 and the City's population and service population estimates that were presented earlier in Table 6-1.

Projected General Fund expenditures include general government, or overhead functions, and the following non-general government services of fire, police, development services, public works and transfers to other funds that provide ongoing direct departmental type services to the City.

General Government

General government costs such as Reserve Fund expenditures, Administration services (including Legislative, City Attorney, City Manager, City Clerk, Community Promotion, State of the City and Community Services Corps), Finance and Human Resources expenditures, provide overhead services that cannot be directly linked to a specific department. General government

Table 6-3
General Fund Recurring Cost Factors
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Cost Category | Fiscal Year 2023-24 Expenditures | Net Cost | Projection Basis ¹ | Annual Projection Factors |
|--|--|------------------|-------------------------------|---|
| <u>General Government</u> ² | \$13,983,266 | \$10,487,450 | Case study | 10.4% of direct department costs, at a 75% marginal rate |
| <u>Fire Service Contract</u> ³ | \$12,700,000 | n/a | Case study | 0.27% City General Fund share of 1% levy |
| <u>Police Protection</u> | \$53,169,175 | \$53,169,175 | Service population = 117,517 | \$452.44 per service population |
| <u>Development Services</u> ⁴ | \$11,592,875 | \$3,053,689 | Service population = 117,517 | \$25.99 per service population |
| <u>Public Works</u> | \$522,298 | \$522,298 | Service population = 117,517 | \$4.44 per service population |
| <u>Transfers to Other Funds</u> ⁵ | | | | |
| Community Services Fund | \$7,278,388 | \$7,278,388 | Resident Population = 88,797 | \$81.97 per capita |
| Transportation Fund | \$7,083,574 | \$7,083,574 | Service population = 117,517 | \$60.28 per service population |
| Landscape and Lighting Fund | \$7,288,897 | \$7,288,897 | Service population = 117,517 | \$62.02 per service population |
| City's Portion for 50% Perimeter Fair Share | \$1,127,446 | \$1,127,446 | Service population = 117,517 | \$9.59 per service population |
| Assessment District Backfill | <u>\$481,575</u> | <u>\$481,575</u> | Service population = 117,517 | <u>\$4.10</u> per service population |
| Total Transfers to Other Funds | \$23,259,880 | \$23,259,880 | | \$217.96 per service population |

1. For fiscal factors that are based on population and employment, an estimated service population factor is applied, which represents the City's resident population plus 50 percent of the estimated employment from outside the City, as shown in Table 6-1.
2. The calculation of the general government overhead rate is presented in Table 6-4. General government (overhead) costs are not assumed to increase on a one-to-one basis with new growth. Therefore, the fiscal analysis projects general government at a marginal rate of 75 percent of the current estimated rate of 13.8 percent of non-general recurring costs, or at 10.4 percent of direct costs.
3. The Chino Valley Independent Fire District (CVIFD) provides fire protection to the project site and will continue to provide service after annexation to the City of Chino. The CVIFD receives an allocation of the basic one percent property tax levy based on the tax rate area (TRA) in which the property is located. Based on with the City Finance Director, if the TRA allocation to the CVIFD is below the citywide average of about 15.07 percent of the basic one percent levy the City has a contract to provide payments to the CIFD to make up the difference between the specific TRA allocation for the annexed area and the citywide average of 15.07 percent. The proposed annexation area allocates about 14.80 percent of the one percent property tax levy, the City will transfer an amount equal to about 0.27 percent (15.07 minus 14.80) of the basic one percent property tax levy to the CVIFD.
4. Initial community development costs are reduced by projected one-time revenues, as presented in Appendix Table A-8.
5. Based on discussion with City Finance staff, certain ongoing transfers from the General Fund are made to other City funds for provision of direct departmental type City services (such as Community Services and Transportation), and are considered ongoing expenditures for the General Fund. Appendix Table A-9 presents all transfers from the General Fund and highlights those transfers that represent ongoing direct expenditures for City services.

Sources: Stanley R. Hoffman Associates, Inc.

City of Chino, *Fiscal Year 2023-24 City Budget*

City of Chino, Finance Department

State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State, January 1, 2020-2023*,
Sacramento, California, May 2023

Southern California Association of Governments (SCAG), *Draft SCAG 2024 RTP/SCS ("Connect SoCal 2024") Growth Projections*

Table 6-4
Calculation of City General Government Overhead Rate
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| | Fiscal Year 2023-24 Budget Expenditure | General Government | Non-General Government |
|---|---|-----------------------|---------------------------|
| General Fund Expenditures | | | |
| PANEL A | | | |
| <u>General Government</u> | | | |
| Internal Department - Reserve Fund | \$0 | \$0 | |
| Administration | 9,575,623 | 9,575,623 | |
| Finance | 4,278,923 | 4,278,923 | |
| Human Resources | <u>128,720</u> | <u>128,720</u> | |
| Total Overhead Administration | 13,983,266 | \$13,983,266 | |
| <u>Non-General Government</u> | | | |
| Fire - Payments to Chino Valley Independent Fire District | 12,700,000 | | \$12,700,000 |
| Police | 53,169,175 | | 53,169,175 |
| Development Services | 11,592,875 | | 11,592,875 |
| Public Works | 522,298 | | 522,298 |
| Ongoing Transfers Out To ¹ : | | | |
| Community Services Fund | 7,278,388 | | 7,278,388 |
| Transportation Fund | 7,083,574 | | 7,083,574 |
| Landscape and Lighting Fund | 7,288,897 | | 7,288,897 |
| City's Portion for 50% Perimeter Fair Share | 1,127,446 | | 1,127,446 |
| Assessment District Backfill | <u>481,575</u> | | <u>481,575</u> |
| Subtotal Transfers Out | 23,259,880 | | 23,259,880 |
| GRAND TOTAL GENERAL FUND | \$115,227,494 | \$13,983,266 | \$101,244,228 |
| PANEL B | | | |
| <u>Current General Government Overhead Rate</u> | | | |
| General Government Expenditures | | | \$13,983,266 |
| | | <i>divided by</i> | |
| Direct General Fund Expenditures | | | \$101,244,228 |
| | | <i>equals</i> | |
| Current General Government Overhead Rate | | | 13.8% |
| Marginal Increase in General Government Costs @ 75% ² | | | 10.4% |
| <p>1. Total transfers out from the General Fund are presented in Table A-9. Based on discussion with City Finance staff, only the ongoing transfers from the General Fund to other City funds for provision city services are highlighted in Table A-9. These highlighted ongoing transfers are considered expenditures for the General Fund for the SOI annexation areas and are the expenditures included in this table.</p> <p>2. General government costs for the project are not assumed to increase on a one-to-one basis. Therefore, the fiscal analysis projects general government at a marginal rate of 75 percent of the current 13.8 percent of non-general recurring costs, or at 10.4 percent of direct recurring costs.</p> <p>Sources: Stanley R. Hoffman Associates, Inc. City of Chino, <i>Fiscal Year 2023-24 Budget</i> City of Chino, Finance Department</p> | | | |

costs include administration and support of departmental line costs such as police, fire and public works. These General Government costs are usually viewed as citywide overhead and are projected using an overhead rate applied to direct departmental line costs. However, overhead costs are not assumed to increase on a one-to-one basis for the proposed project. General government costs are projected at a marginal rate of 75 percent of the current rate.

As shown in Panel B of Table 6-4, FY 2023-24 adopted general government costs of \$13.98 million represent about 13.8 percent of current direct line costs of \$101.2 million. A marginal increase of 75 percent of 13.8 percent is 10.4 percent. Therefore, general government costs for the proposed project are projected at 10.4 percent of direct recurring costs.

Fire Service Contract

As discussed in Chapter 3, the Chino Valley Independent Fire District (CVIFD) provides fire protection to the project site and will continue to provide service after annexation to Chino. The CVIFD receives an allocation of the basic one percent property tax levy based on the tax rate area (TRA) in which the property is located. Based on discussion with the City Finance Director, if the TRA allocation to the CVIFD is below the citywide average of about 15.07 percent of the basic one percent levy, the City has a contract to provide payments to the CVIFD to make up the difference between the specific TRA allocation for the annexed area and the citywide average of 15.07 percent.

The proposed Ramona Francis Annexation Area is located in TRAs 61056, 61060, 61101, 61102 and 61103, which allocate on average about 14.80 percent of the one percent property tax levy to the CVIFD, as shown in Table A-3. Therefore, the City will transfer an amount equal to about 0.27 percent (15.07 minus 14.80) of the basic one percent property tax levy for the Project to the CVIFD.

Police Protection

Police costs are projected at \$452.44 per service population, as shown in Table 6-3, based on FY 2023-24 budget expenditures of \$53.17 million and the City's service population estimate of 117,517.

Development Services

The Development Services Department provides department administration, the City's Planning

Commission, and planning, building, code enforcement and economic development services. Based on FY 2023-24 net community development costs of \$3.05 million and the City service population estimate of 117,517, non-fee supported costs for development services are estimated at \$25.99 per service population, as shown in Table 6-3. The total General Fund development services costs of \$11.59 million are offset by one-time processing permit and fee revenues of \$8.54 million, resulting in net development services costs of \$3.05 million, as shown in Appendix Table A-8.

Public Works

General Fund public works costs include department administration and land development services. As shown in Table 6-3, public works costs are projected at \$4.44 per service population based on FY 2023-24 net public works costs of \$522,298 and the City service population estimate of 117,517.

Transfers to Other Funds

Based on discussion with City Finance staff, the General Fund provides certain ongoing transfers to other City funds for provision of direct departmental type City services. In addition to these transfers from the General Fund, these other City funds also receive revenue from other sources.

Appendix Table A-9 presents all transfers from the General Fund and highlights those transfers that represent the following ongoing direct expenditures for City services:

Community Services Fund. This fund provides revenue for the Community Service Department which provides community and neighborhood parks, trails, recreation facilities, and human services for youth and senior populations. As shown in Table 6-3, the General Fund expenditures for the Community Services Fund are estimated at \$81.97 per capita based on the FY 2023-24 General Fund transfer amount of \$7.28 million and the City resident population estimate of 88,797 (excluding group quarters).

Transportation Fund. The General Fund expenditures for the Transportation Fund are estimated at \$60.28 per service population based on the FY 2023-24 General Fund transfer amount of \$7.1 million and the City service population estimate of 117,517.

This fund provides maintenance and operating services for the City's public rights-of-way, including streets, traffic signals, landscaping, street lighting, City vehicles and equipment and City facilities. Based on discussion with City Finance staff, these funds will cover any ongoing maintenance and operations costs associated with the public road improvements for the Ramona Francis Annexation Area.

Landscape and Lighting Fund. The General Fund cost for the Landscape and Lighting Fund is projected at \$62.02 per service population. This cost factor is based on the FY 2023-24 transfer of \$7.29 million and the existing City service population estimate of 117,517.

City's Portion for 50% Perimeter Fair Share. Based on the General Fund transfer of \$1.13 million and the City service population estimate, these costs are projected at \$9.59 per service population.

Assessment District Backfill. These General Fund costs are projected at \$4.10 per service population based on FY 2023-24 transfers of \$481,575 and the estimated current City service population of 117,517.

APPENDIX A SUPPORTING FISCAL TABLES

**Table A-1
U.S. Census 2021 Live/Work Data
City of Chino**

| Category | 2021 | |
|---|--------|--------|
| | Count | Share |
| <u>Selection Area Labor Market Size (Total Jobs)</u> | | |
| Employed in the Selection Area | 54,378 | 100.0% |
| Living in the Selection Area | 40,496 | 72.2% |
| Net Job Inflow (+) or Outflow (-) | 13,882 | - |
| <u>In-Area Labor Force Efficiency (Total Jobs)</u> | | |
| Living in the Selection Area | 40,496 | 100.0% |
| Living and Employed in the Selection Area | 4,226 | 10.7% |
| Living in the Selection Area but Employed Outside | 36,270 | 89.3% |
| <u>In-Area Employment Efficiency (Total Jobs)</u> | | |
| Employed in the Selection Area | 54,378 | 100.0% |
| Employed and Living in the Selection Area | 4,226 | 7.7% |
| Employed in the Selection Area but Living Outside | 50,152 | 92.3% |

Sources: Stanley R. Hoffman Associates, Inc.

U.S. Census Bureau, OnTheMap Application and Longitudinal Employer-Household Dynamics
(LEHD) Origin-Destination Employment Statistics, Chino, California, 2021

Table A-2 (page 1 of 3)
General Fund Recurring Revenues
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Revenue Category | Fiscal Year 2023-24 Budget Revenue | Revenues for SOI Annexation Area | | |
|-------------------------------------|---|---|-------------------------------|--|
| | | Annual Processing Fees/Permits ¹ | Not Projected ² | Projected Recurring Revenue ³ |
| TAXES | | | | |
| <u>Franchise Fees</u> | | | | |
| Public Utility | \$1,097,000 | \$0 | \$0 | \$1,097,000 |
| Recycling/Waste | 2,091,326 | 0 | 0 | 2,091,326 |
| Telecommunication | <u>737,000</u> | <u>0</u> | <u>0</u> | <u>737,000</u> |
| Franchise Fees Total | \$3,925,326 | \$0 | \$0 | \$3,925,326 |
| <u>Property Taxes</u> | | | | |
| Secured | \$14,645,000 | \$0 | \$0 | \$14,645,000 |
| Unsecured | 703,749 | 0 | 0 | 703,749 |
| Aircraft | 330,693 | 0 | 330,693 | 0 |
| Unitary Utilities | 510,000 | 0 | 510,000 | 0 |
| Supplemental | 250,000 | 0 | 250,000 | 0 |
| Prior Years | 368,000 | 0 | 368,000 | 0 |
| RDA Elimination | 3,000,000 | 0 | 3,000,000 | 0 |
| Property Tax In-Lieu of VLF | 13,763,468 | 0 | 0 | 13,763,468 |
| Property Tax-RDA S.B. 211 | 350,000 | 0 | 350,000 | 0 |
| Homeowners Property Tax Relief | <u>98,000</u> | <u>0</u> | <u>98,000</u> | <u>0</u> |
| Property Taxes Total | \$34,018,910 | \$0 | \$4,906,693 | \$29,112,217 |
| <u>Other Taxes</u> | | | | |
| Real Property Transfer Tax | \$550,000 | \$0 | \$0 | \$550,000 |
| Special Tax - Annual Tax - Preserve | 2,440,483 | 0 | 2,440,483 | 0 |
| Sp Tax-Res/Unit-Pres-One Time | 150,000 | 0 | 150,000 | 0 |
| Sp Tx-Nonres/Ac-Pres-One Time | 100,000 | 0 | 100,000 | 0 |
| City Services Special Tax - College | 2,235,048 | 0 | 2,235,048 | 0 |
| Transient Occupancy Tax | 550,000 | 0 | 0 | 550,000 |
| Business License Tax | <u>1,050,000</u> | <u>0</u> | <u>0</u> | <u>1,050,000</u> |
| Other Taxes Total | \$7,075,531 | \$0 | \$4,925,531 | \$2,150,000 |
| <u>Sales and Use Tax</u> | \$36,944,404 | \$0 | \$0 | \$36,944,404 |
| TOTAL TAXES | \$81,964,171 | \$0 | \$9,832,224 | \$72,131,947 |
| LICENSES AND PERMITS | | | | |
| Scup-Site | \$10,938 | \$10,938 | \$0 | \$0 |
| Special Conditional Use Permits | 13,348 | 13,348 | 0 | 0 |
| Home Occupation Permits | 4,060 | 4,060 | 0 | 0 |
| Building Permit | 2,182,265 | 2,182,265 | 0 | 0 |
| Plumbing Permit | 310,980 | 310,980 | 0 | 0 |
| Electrical Permits | 310,980 | 310,980 | 0 | 0 |
| Mechanical Permits | 310,980 | 310,980 | 0 | 0 |
| A.D.A. S.B. 1186 | 25,200 | 25,200 | 0 | 0 |
| R.O.W. Encroachment Permits | 90,000 | 90,000 | 0 | 0 |
| Wide Overweight Vehicle Fees | 16,000 | 16,000 | 0 | 0 |
| Detour & Lane Closer Fees | 50,000 | 50,000 | 0 | 0 |
| Bicycle License Fee | 50 | 0 | 0 | 50 |
| Zone Restricted Parking Permit | 500 | 500 | 0 | 0 |
| Credit Card Conv Fee | 38,000 | 38,000 | 0 | 0 |
| Special Event Permit | 3,500 | 3,500 | 0 | 0 |
| Special Permit Investigation | 3,500 | 3,500 | 0 | 0 |
| Special Business/Comm Revenue | 3,000 | 3,000 | 0 | 0 |
| Fireworks Fines | 35,000 | 35,000 | 0 | 0 |
| Film Permits | <u>2,000</u> | <u>2,000</u> | <u>0</u> | <u>0</u> |
| TOTAL LICENSES AND PERMITS | \$3,410,301 | \$3,410,251 | \$0 | \$50 |
| RENTAL INCOME | | | | |
| Rental Income | <u>\$99,030</u> | <u>\$0</u> | <u>\$99,030</u> | <u>\$0</u> |
| TOTAL RENTAL INCOME | \$99,030 | \$0 | \$99,030 | \$0 |
| INTERGOVERNMENTAL | | | | |
| Vehicle License Fee | \$75,000 | \$0 | \$75,000 | \$0 |
| Peace Officer Standards Training | 85,000 | \$0 | \$0 | \$85,000 |
| State Mandated Cost Reimbursement | 40,000 | 0 | 40,000 | 0 |
| School Resource Fee | 411,402 | 0 | 411,402 | 0 |
| Grant | <u>295,978</u> | <u>0</u> | <u>295,978</u> | <u>0</u> |
| TOTAL INTERGOVERNMENTAL | \$907,380 | \$0 | \$822,380 | \$85,000 |

1. Revenues that occur on a one-time basis and revenues that occur as a fixed amount payment from other agencies are not projected.
2. Certain revenues, such as transient occupancy tax, are not projected because they are not impacted by the proposed annexation.
3. These are the recurring revenue categories projected for the proposed annexation.
4. Capital administration fees represent the one-time 12% administrative charge received by the General Fund from the Capital Improvement Budget, and are not projected for this study.

Sources: Stanley R. Hoffman Associates, Inc.
City of Chino, Fiscal Year 2023-24 Budget
City of Chino, Finance Department

Table A-2 (page 2 of 3)
General Fund Recurring Revenues
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Revenue Category | Fiscal Year 2023-24 Budget Revenue | Revenues for SOI Annexation Area | | |
|---|---|---|-------------------------------|--|
| | | Annual Processing Fees/Permits ¹ | Not Projected ² | Projected Recurring Revenue ³ |
| CHARGES FOR SERVICES | | | | |
| General Plan Update Fee | \$310,721 | \$0 | \$310,721 | \$0 |
| Tentative Tract Map Fee | 69,560 | 69,560 | 0 | 0 |
| Tentative Parcel Map Fee | 0 | 0 | 0 | 0 |
| Environmental Assessment Fee | 4,782 | 4,782 | 0 | 0 |
| Site Approval Fees | 137,354 | 137,354 | 0 | 0 |
| Ag Contract Cancellation Fee | 0 | 0 | 0 | 0 |
| Ag Contract- Non Renewal | 0 | 0 | 0 | 0 |
| Developer Modification Fee | 8,488 | 8,488 | 0 | 0 |
| C.C. & R. Fee | 15,000 | 15,000 | 0 | 0 |
| Preserve Cost Recovery Fee | 0 | 0 | 0 | 0 |
| Specific Plan Amendment Fee | 0 | 0 | 0 | 0 |
| Design Review-College Park Preserve | 17,526 | 0 | 17,526 | 0 |
| Landscape/Lighting/Wall Plan Review | 21,020 | 21,020 | 0 | 0 |
| General Plan Amendment | 0 | 0 | 0 | 0 |
| Preliminary Project Review Fee | 3,998 | | | |
| Adm Approval Type 1 & 2 W/D R.C. | 26,220 | 26,220 | 0 | 0 |
| Adm Approval Type 1-3 W/O R.C. | 3,300 | 3,300 | 0 | 0 |
| Adm Approval Type 3 W/D R.C. | 12,360 | 12,360 | 0 | 0 |
| Public Notice-Mail | 2,580 | 2,580 | 0 | 0 |
| Public Notice-Newspaper | 7,250 | 7,250 | 0 | 0 |
| Zoning Verification | 10,128 | 10,128 | | |
| Sign Plan Review Fee | 16,500 | 16,500 | 0 | 0 |
| Sign Program Review | 1,367 | 1,367 | 0 | 0 |
| Temporary Banner/Sign | 0 | 0 | 0 | 0 |
| Developer Agreement | 15,000 | 15,000 | 0 | 0 |
| Developer Ext.-Adm. Review | 8,435 | 8,435 | 0 | 0 |
| Job Valuation | 249,013 | 249,013 | 0 | 0 |
| Green Building Standards | 2,211 | 2,211 | 0 | 0 |
| Building Plan Check Fee | 979,506 | 979,506 | 0 | 0 |
| New Construction Fees | 822,789 | 822,789 | 0 | 0 |
| Technology Fees | 150,772 | 150,772 | 0 | 0 |
| Home Warranty Permit | 120,300 | 120,300 | 0 | 0 |
| Capital Administration Fees ⁴ | 2,028,000 | 0 | 2,028,000 | 0 |
| Engineering Planning Development Fee-East Chino | 0 | 0 | 0 | 0 |
| Grading Plan Check Fees | 150,000 | 150,000 | 0 | 0 |
| Final Subdivision Map Fee | 45,000 | 45,000 | 0 | 0 |
| Engineering Plan Check | 600,000 | 600,000 | 0 | 0 |
| Public Improvement Inspection-Land Development | 1,500,000 | 1,500,000 | 0 | 0 |
| Public Utilities Inspection Fee | 125,000 | 125,000 | 0 | 0 |
| Engineering Plans Revision Fee | 25,000 | 25,000 | 0 | 0 |
| Intersection Design Fees | 0 | 0 | 0 | 0 |
| Crime Prevention Fee | 100 | 0 | 0 | 100 |
| Fire Alarm Fees | 3,000 | 0 | 0 | 3,000 |
| Special Event Fee | 10,000 | 0 | 0 | 10,000 |
| Accident Report Fees | 100 | 0 | 0 | 100 |
| Graffiti Abatement Recovery Fee | 10,000 | 0 | 0 | 10,000 |
| Fingerprint Fee | 3,000 | 0 | 0 | 3,000 |
| Photo Sales Fee | 50 | 0 | 0 | 50 |
| Vehicle Report Certification | 4,500 | 0 | 0 | 4,500 |
| Crime Report Fees | 700 | 0 | 0 | 700 |
| Vehicle Inspection Fees | 6,000 | 0 | 0 | 6,000 |
| Towing Ordinance | 90,000 | 0 | 0 | 90,000 |
| DUI Response Fees | 15,000 | 0 | 0 | 15,000 |
| False Alarm Response Fees | 15,000 | 0 | 0 | 15,000 |
| Records Clearance Check | 1,100 | 0 | 0 | 1,100 |
| Vehicle Release Fees | 180,000 | 0 | 0 | 180,000 |
| Public Safety Service Fee | 20,000 | 0 | 0 | 20,000 |
| Local Criminal History Record | 100 | 0 | 0 | 100 |
| Photocopy Sales | 10 | 0 | 0 | 10 |
| Research Service Fees | 600 | 0 | 0 | 600 |
| Document Printing | 0 | 0 | 0 | 0 |
| Return Check Charge | 250 | 0 | 0 | 250 |
| Public Meeting/DVD Copy | 55 | 0 | 0 | 55 |
| Business Licenses Duplication | 400 | 0 | 0 | 400 |
| Fireworks Cost Recovery Permit | 45,000 | 0 | 0 | 45,000 |
| City 5% Strong Motion Fee | 3,700 | 0 | 0 | 3,700 |
| TOTAL CHARGES FOR SERVICES | \$7,897,846 | \$5,128,935 | \$2,356,247 | \$408,665 |

1. Revenues that occur on a one-time basis and revenues that occur as a fixed amount payment from other agencies are not projected.
2. Certain revenues, such as transient occupancy tax, are not projected because they are not impacted by the proposed annexation.
3. These are the recurring revenue categories projected for the proposed annexation.
4. Capital administration fees represent the one-time 12% administrative charge received by the General Fund from the Capital Improvement Budget, and are not projected for this study.

Sources: Stanley R. Hoffman Associates, Inc.
City of Chino, Fiscal Year 2023-24 Budget
City of Chino, Finance Department

Table A-2 (page 3 of 3)
General Fund Recurring Revenues
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Revenue Category | Fiscal Year 2023-24 Budget Revenue | Revenues for SOI Annexation Area | | |
|---|---|---|-------------------------------|--|
| | | Annual Processing Fees/Permits ¹ | Not Projected ² | Projected Recurring Revenue ³ |
| INVESTMENT INCOME | | | | |
| Interest Income Apportioned | \$1,800,000 | \$0 | \$0 | \$1,800,000 |
| Interest Income Loan Water | 26,411 | 0 | 26,411 | 0 |
| Interest Income Loan Pension | 0 | | | |
| TOTAL INVESTMENT INCOME | \$1,826,411 | \$0 | \$26,411 | \$1,800,000 |
| FINES AND FORFEITURES | | | | |
| Truck Route Citation | \$500,000 | \$0 | \$0 | \$500,000 |
| Parking Citation Fines | 260,000 | 0 | 0 | 260,000 |
| General Court Fines | 65,000 | 0 | 0 | 65,000 |
| Adm Citations Public Nuisance | 68,000 | 0 | 0 | 68,000 |
| TOTAL FINES AND FORFEITURES | \$893,000 | \$0 | \$0 | \$893,000 |
| OTHER REVENUE | | | | |
| Advanced Expenditure Savings | \$3,100,000 | \$0 | \$3,100,000 | \$0 |
| Legal Address Change-Owner Required | 331,560 | 0 | 0 | 331,560 |
| Evidence/Other | 1,500 | 0 | 0 | 1,500 |
| Maps/Publications/Bid Spec | 100 | 0 | 0 | 100 |
| Cost Recovery Public Nuisance | 468,000 | 0 | 0 | 468,000 |
| Unclaimed Funds | 1,000 | 0 | 0 | 1,000 |
| Cell Site Rental | 23,372 | 0 | 0 | 23,372 |
| Recapture of Bad Debt | 0 | 0 | 0 | 0 |
| Property Abatement | 2,500 | 0 | 0 | 2,500 |
| Reimbursements & Contributions | 227,600 | 0 | 0 | 227,600 |
| C-F-D- Formation Reimburse | 0 | | | |
| Donations/Sponsorships | 6,000 | 0 | 0 | 6,000 |
| Senior Housing Leasing Payment | 410,000 | 0 | 410,000 | 0 |
| Other Revenue | 14,800 | 0 | 0 | 14,800 |
| CFD 2006-2 Reimbursed Adm Fee | 14,184 | 0 | 14,184 | 0 |
| CFD 99-1 Reimbursed Adm Fee | 5,315 | 0 | 5,315 | 0 |
| CFD 2000-1 Reimbursed Adm Fee | 4,102 | 0 | 4,102 | 0 |
| CFD 2001-1 Reimbursed Adm Fee | 5,289 | 0 | 5,289 | 0 |
| CFD 2003-1 Reimbursed Adm Fee | 10,857 | 0 | 10,857 | 0 |
| CFD 2003-2 Reimbursed Adm Fee | 11,598 | 0 | 11,598 | 0 |
| CFD 2003-3 Reimbursed Adm Fee | 100,205 | 0 | 100,205 | 0 |
| CFD 2003-4 Reimbursed Adm Fee | 5,351 | 0 | 5,351 | 0 |
| CFD 2005-1 Reimbursed Adm Fee | 52,321 | 0 | 52,321 | 0 |
| CFD 2005-2 Reimbursed Adm Fee | 9,708 | 0 | 9,708 | 0 |
| CFD 2009-1 Reimbursed Adm Fee | 5,268 | 0 | 5,268 | 0 |
| CFD 2006-1 Reimbursed Adm Fee | 9,211 | 0 | 9,211 | 0 |
| CFD 2006-3 Reimbursed Adm Fee | 10,047 | 0 | 10,047 | 0 |
| CFD 2016-2 Reimbursed Adm Fee | 10,270 | 0 | 0 | 10,270 |
| CFD 2016-1 Reimbursed Adm Fee | 8,689 | 0 | 0 | 8,689 |
| CFD 2019-1 Reimbursed Adm Fee | 10,270 | 0 | 0 | 10,270 |
| TOTAL OTHER REVENUE | \$4,859,117 | \$0 | \$3,753,456 | \$1,105,661 |
| Transfers In | | | | |
| Enterprise Funds - Overhead Charges | \$3,120,456 | \$0 | \$0 | \$3,120,456 |
| Enterprise Funds - ROW Maintenance and Government | | | | |
| Facilities Reimbursement | 2,230,433 | 0 | 0 | 2,230,433 |
| Other Transfers In | 2,064,761 | 0 | 0 | 2,064,761 |
| General Overhead Total | \$7,415,650 | \$0 | \$0 | \$7,415,650 |
| TOTAL GENERAL FUND OPERATING REVENUES | \$109,272,905 | \$8,539,186 | \$16,889,748 | \$83,839,973 |

1. Revenues that occur on a one-time basis and revenues that occur as a fixed amount payment from other agencies are not projected.
2. Certain revenues, such as transient occupancy tax, are not projected because they are not impacted by the proposed annexation.
3. These are the recurring revenue categories projected for the proposed annexation.
4. Capital administration fees represent the one-time 12% administrative charge received by the General Fund from the Capital Improvement Budget, and are not projected for this study.

Sources: Stanley R. Hoffman Associates, Inc.
City of Chino, Fiscal Year 2023-24 Budget
City of Chino, Finance Department

Table A-3
Current Tax Rate Area (TRA) Allocations
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino

| Agency Code | Agency ¹ | TRA 61056 | TRA 61060 | TRA 61101 | TRA 61102 | TRA 61103 | Weighted Average Island |
|-------------|--|--------------|-------------|--------------|--------------|-------------|-------------------------|
| AB01 GA01 | San Bernardino County General Fund | 0.17295 | 0.17289 | 0.16649 | 0.16658 | 0.16419 | 0.16787 |
| AB02 GA01 | Educational Revenue Augmentation Fund (ERAF) | 0.22204 | 0.22196 | 0.21374 | 0.21386 | 0.21079 | 0.21551 |
| BF01 GA01 | Flood Control Zone 1 | 0.02581 | 0.02579 | 0.02484 | 0.02485 | 0.02450 | 0.02505 |
| BF07 GA01 | Flood Control District, Administration, Zones 1 and 2 | 0.00183 | 0.00183 | 0.00176 | 0.00176 | 0.00174 | 0.00178 |
| BL01 GA01 | San Bernardino County Free Library | 0.01420 | 0.01419 | 0.01367 | 0.01368 | 0.01348 | 0.01378 |
| BS01 GA01 | County Superintendent of Schools, Countywide | 0.00503 | 0.00503 | 0.00484 | 0.00485 | 0.00478 | 0.00488 |
| BS01 GA03 | County Superintendent of Schools, Physically Handicapped | 0.00198 | 0.00198 | 0.00191 | 0.00191 | 0.00188 | 0.00192 |
| BS01 GA04 | County Superintendent of Schools, Mentally Handicapped | 0.00159 | 0.00159 | 0.00153 | 0.00153 | 0.00151 | 0.00154 |
| BS01 GA05 | County Superintendent of Schools, Development Center | 0.00052 | 0.00052 | 0.00050 | 0.00050 | 0.00049 | 0.00050 |
| SC16 GA01 | Chaffey Community College | 0.04241 | 0.04239 | 0.04082 | 0.04085 | 0.04026 | 0.04116 |
| SU18 GA01 | Chino Valley Unified School District | 0.30707 | 0.30698 | 0.29559 | 0.29576 | 0.29152 | 0.29805 |
| UD98 GA01 | CSA SL-1 | 0.00000 | 0.00000 | 0.00000 | 0.00000 | 0.01448 | 0.00204 |
| WF07 GA01 | Chino Valley Independent Fire District - Unincorporated Area | 0.15249 | 0.15244 | 0.14679 | 0.14688 | 0.14477 | 0.14801 |
| WR04 GL01 | Inland Empire Joint Resource Conservation District | 0.00095 | 0.00100 | 0.00090 | 0.00082 | 0.00079 | 0.00087 |
| WT09 GL01 | Chino Basin Water Conservation District | 0.00561 | 0.00590 | 0.00532 | 0.00484 | 0.00466 | 0.00517 |
| WU08 GA01 | Inland Empire Utilities Agency | 0.01666 | 0.01665 | 0.01604 | 0.01604 | 0.01581 | 0.01617 |
| WU08 GA05 | Inland Empire Utilities Agency - General Tax Levy Imp C | 0.02887 | 0.02886 | 0.02779 | 0.02780 | 0.02740 | 0.02802 |
| WW21 GA01 | Monte Vista Company Water District | 0.00000 | 0.00000 | 0.03748 | 0.03750 | 0.03696 | 0.02768 |
| | Total | 1.00000 | 1.00000 | 1.00000 | 1.00000 | 1.00000 | 1.00000 |
| | Current Assessed Valuation of Portion of TRA in Project | \$10,751,909 | \$1,742,240 | \$14,047,281 | \$14,817,266 | \$6,765,404 | \$48,124,100 |
| | TRA Share of Total Valuation | 22.34% | 3.62% | 29.19% | 30.79% | 14.06% | 100.00% |

1. The property tax allocations affected by the annexation are shown in bold print.

Sources: Stanley R. Hoffman Associates, Inc.

San Bernardino County Auditor-Controller, Property Tax Division, PI 739DYL Report, Roll Year 2023, 10/26/23

Table A-4
Estimated Vehicle License Fees (VLF) - Property Tax In Lieu Factor
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino

| Fiscal Year | VLF - Property Tax In Lieu ¹ | Assessed Valuation (AV) ² | VLF per \$1,000,000 AV ³ |
|----------------|---|--------------------------------------|-------------------------------------|
| 2014 | \$6,832,348 | \$9,938,219,988 | \$690 |
| 2015 | \$7,474,613 | \$10,671,272,880 | \$700 |
| 2016 | \$8,021,564 | \$11,278,697,488 | \$710 |
| 2017 | \$8,476,860 | \$12,216,798,332 | \$690 |
| 2018 | \$9,169,512 | \$13,397,159,037 | \$680 |
| 2019 | \$10,023,385 | \$14,269,762,788 | \$700 |
| 2020 | \$10,731,212 | \$15,060,588,792 | \$710 |
| 2021 | \$11,322,380 | \$15,991,331,481 | \$710 |
| 2022 | \$12,018,733 | \$17,323,282,962 | \$690 |
| Average | | | \$700 |

1. The property tax in lieu VLF amounts are from the City's budget as cited below.

2. City assessed valuation is from the County Assessor report as cited below.

3. Estimated VLF per \$1,000,000 AV is rounded to the nearest tens.

Sources: Stanley R. Hoffman Associates, Inc.

City of Chino Annual Budgets

County of San Bernardino, Assessment Rolls, 2014 through 2022

Table A-5
Calculation of Use Tax Factor
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino

| City of Chino (2023 Q1 to Q3) | Amount |
|----------------------------------|---------------|
| <u>Use Tax</u> ¹ | |
| County Pool | \$3,685,936 |
| State Pool | <u>12,373</u> |
| Total Use Tax | \$3,698,309 |
| <i>divided by</i> | |
| <u>Point-of-Sale</u> | \$22,354,949 |
| <i>equals</i> | |
| Use Tax Rate ² | 16.5% |

1. Use tax data reported by CDTFA for Q1-Q3 2023
2. The use tax rate is the County Pool plus the State Pool divided by point-of-sale taxable sales tax.

Sources: Stanley R. Hoffman Associates, Inc.
California Department of Tax and Fee Administration (CDTFA), 2023

Table A-6
Estimated Annual Residential Turnover
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino

| City of Chino | Occupied Housing Units | Percent Turnover |
|--|------------------------|------------------|
| Total Owner Occupied Units | 16,819 | |
| Moved in 2018 or later | 2,772 | |
| Moved in 2010 to 2017 | 4,939 | |
| Moved in 2000 to 2009 | <u>4,697</u> | |
| Total Moved 2000 to 2022 | 12,408 | |
| Annual Turnover Rate: 2000 to 2022 ¹ | 653 | 4% |

1. The annual turnover rate is based on the assumption of nineteen years for the 2000 to 2019 period.

Sources: Stanley R. Hoffman Associates, Inc.
U.S. Census Bureau, 2018-2022 American Community Survey (ACS) 5-Year Estimates, Tenure by Year Householder Moved Into Unit, Report B25038, Chino, California

Table A-7
Revenue Transfers to the General Fund
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Transfer From Category | Fiscal Year 2023-24 Ongoing Interfund Transfers to General Fund |
|---|--|
| <u>Overhead</u> | |
| Water - General and Department Reimbursement | \$1,980,360 |
| Sewer - General and Department Reimbursement | 347,806 |
| Storm Drain - General and Department Reimbursement | 576,181 |
| Sanitation - General and Department Reimbursement | <u>216,109</u> |
| Total Overhead Transfer | \$3,120,456 |
| <u>Enterprise Allocation</u> | |
| Water - ROW Maintenance and Govt. Facilities Reimbursement | \$940,097 |
| Sewer - ROW Maintenance and Govt. Facilities Reimbursement | 832,053 |
| Storm Drain - ROW Maintenance and Govt. Facilities Reimbursement | 403,753 |
| Sanitation- ROW Maintenance and Govt. Facilities Reimbursement | <u>54,530</u> |
| Total Enterprise Allocation | \$2,230,433 |
| <u>Other Transfers in to General Fund</u> | |
| From Successor Agency Adm | \$0 |
| Local Public Safety - Reimburse General Fund Expenses | 1,258,000 |
| Traffic Safety - Reimburse General Fund Expenses | 70,800 |
| AB 3229 Public Safety Grant - Reimburse General Fund COPS Grant Projects | 0 |
| Transportation DIF Fee - Reserves for Union Pacific Railroad R6221 | 28,241 |
| Law Enforcement DIF - FY 19-20 Sworn Position Equipment N4900 | 0 |
| Law Enforcement DIF - FY 20-21 Sworn Position Equipment N4901 | 0 |
| Law Enforcement DIF - Addnl Traffic Officer N4221 | 0 |
| Water Development DIF Fee Update N7207 | 0 |
| Sewer DIF Fee Update N7207 | 0 |
| Storm Drain Preserve DIF Transfer of Reserves for Preserve Storm Drain Master Plan MS205 | 0 |
| Storm Drain Preserve DIF Transfers of Reserves for ROW & Surveying Services Chino Airport | 0 |
| B/S/T Preserve DIF Fee - Pine Avenue Improvements ST203-Falloncrest Reimb | 0 |
| B/S/T Preserve DIF Fee - Share Paths Entrances at the Preserve MS235 | 0 |
| Public Education Government (PEG) - Capital Equipment | 300,000 |
| Public Education Government (PEG) - Agenda and Meeting System | 0 |
| RMP - Riverside Land Conservancy Project N6011 | 0 |
| RMP - Transfer of Reserves for Bickmore and Kimball Basins N6026 | 0 |
| Water - Transfer of Reserves to Repay Loan for Water Meter Replacement | <u>407,720</u> |
| Total Other Transfers in to General Fund | \$2,064,761 |
| Total Transfers to General Fund | \$7,415,650 |

Sources: Stanley R. Hoffman Associates, Inc.
City of Chino, *Fiscal Year 2023-24 Budget*
City of Chino, Finance Department

Table A-8
General Fund Net Community Development Services Cost Factor
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Category | Amount |
|---|-------------------|
| <u>Development Services Costs</u> | |
| Administration | \$433,254 |
| Planning Commission | 50,649 |
| Planning | 2,294,351 |
| Building | 2,410,665 |
| Code Enforcement | 2,220,965 |
| R.O.W. Permits and Inspections | 1,239,799 |
| ADA Accessibility | 389,474 |
| Development Engineering | <u>2,553,718</u> |
| Total Development Services Costs | \$11,592,875 |
| | <i>minus</i> |
| <u>One-Time Development Processing Revenues</u> | |
| Permits and Fees | \$3,410,251 |
| Charges for Development Services | <u>5,128,935</u> |
| Total One-Time Development Processing Revenues | \$8,539,186 |
| | <i>equals</i> |
| <u>Recurring Net Development Services Costs</u> | \$3,053,689 |
| | <i>divided by</i> |
| Service Population ¹ | 117,517 |
| | <i>equals</i> |
| <u>Citywide Net Cost Factor per Service Population for Community Development</u> | \$25.99 |

1. For fiscal factors that are based on population and employment, an estimated service population factor is applied, which represents the City's resident population, plus 50 percent of the estimated employment from outside the City.

Sources: Stanley R. Hoffman Associates, Inc.
City of Chino, *Fiscal Year 2023-24 Budget*

Table A-9
Transfers from the General Fund to Other City Funds
Ramona Francis Annexation Area
Plan for Service and Fiscal Analysis, City of Chino
(In Constant 2024 Dollars)

| Transfer of Reserves to Other City Funds | Fiscal Year 2023-24 | | |
|---|---|------------------|---------------------|
| | Interfund Transfers Out from General Fund | | |
| | Ongoing ¹ | Not Ongoing | Total |
| ROPS - Administrative Costs of the ROPS | \$0 | \$0 | \$0 |
| Disaster Reserve - Maintain the 2.5% Reserve Policy ² | 0 | 144,496 | 144,496 |
| Transportation Planning Program | 0 | 0 | 0 |
| Transportation - Backfill Transportation Maintenance | 7,083,574 | 0 | 7,083,574 |
| Transportation - Local Street Overlay Program-Maint MS181 | 0 | 0 | 0 |
| Transportation - Traffic Signal Cabinet Project MS191 | 0 | 0 | 0 |
| Transportation - Street Rehab FY15-16 #ST162 | 0 | 0 | 0 |
| Transportation - Street Rehab FY16-17 #ST171 | 0 | 0 | 0 |
| Transportation - ROW ADA Improvements ST173 | 0 | 0 | 0 |
| Transportation - El Prado Rehab FY17-18 #ST181 | 0 | 0 | 0 |
| Transportation - Bicycle, Pedestrian & Transit Improv. ST182 | 0 | 0 | 0 |
| Transportation - 18-19 Street Rehab & TSM Riverside Drive ST183 | 0 | 0 | 0 |
| Transportation - Street Rehab FY18-19 ST190 | 0 | 0 | 0 |
| Transportation - Chino/Ramona Accessibility Imp. ST202 | 0 | 0 | 0 |
| Transportation - ADA Upgrades-Carissa/Grant ST201 | 0 | 0 | 0 |
| Transportation - Edison Ave TSM & Interconnect TR151 | 0 | 0 | 0 |
| Transportation - CCTV Camera Installation TR162 | 0 | 0 | 0 |
| Transportation - CCTV Camera Installation TR182 | 0 | 0 | 0 |
| Transportation - TSM Ramona Ave/Schaefer TR172 | 0 | 0 | 0 |
| Transportation - Chino Avenue Storm Drain #SD151 | 0 | 0 | 0 |
| Transportation - Union Pacific Railroad Project N7209 | 0 | 0 | 0 |
| Transportation - CDBG Streetlight Installation MS162 | 0 | 0 | 0 |
| Transportation - SBCTA Traffic Signal Coord N7021 | 0 | 0 | 0 |
| Transportation - Traffic Survey N7601 and Traffic Model N7602 | 0 | 0 | 0 |
| Transportation - McBride RV Storage | 0 | 0 | 0 |
| Transportation - CIP Project Management Services MS163 | 0 | 0 | 0 |
| Community Services - Community Services Fund | 7,278,388 | 0 | 7,278,388 |
| Park Fund Funds - PK 183,221, 222 and 223 | 0 | 0 | 0 |
| Landscape/Lighting - Landscape and Lighting Fund | 7,288,897 | 0 | 7,288,897 |
| LLMD Maintenance District - City's Portion for 50% Perimeter Fair S | 1,127,446 | 0 | 1,127,446 |
| Assessment District Backfill | 481,575 | 0 | 481,575 |
| Building Management Fund - Civic Center Master Plan N8074 | 0 | 0 | 0 |
| Building Management Fund - Senior Center/Library Ph II ROW/Park | 0 | 0 | 0 |
| Building Management Fund - City Interior Improvements PF210 | 0 | 0 | 0 |
| Total General Fund Transfers Out | \$23,259,880 | \$144,496 | \$23,404,376 |

1. Based on discussion with City Finance staff, the ongoing transfers from the General Fund to other City funds for provision of City services are highlighted. These transfers are considered ongoing expenditures for the General Fund for the proposed project.
2. While transfers to maintain the 2.5% reserve policy may be ongoing, they are not projected in the fiscal analysis based on discussion with City Finance staff.

Sources: Stanley R. Hoffman Associates, Inc.
City of Chino, *Fiscal Year 2023-24 Budget*
City of Chino, Finance Department

APPENDIX B PROJECT REFERENCES

CITY OF CHINO

Community Development Department

Warren Morelion, City Planner, 909.334.3448

Mike Hitz, Principal Planner, 909.334.3448

Finance Department

Rob Burns, Director of Finance, 909.334.3262

Sherri Beckett, Budget Coordinator, 909.334.3340

Public Works Department

Jésus Plasencia, Engineering, 909.334.3250

COUNTY OF SAN BERNARDINO

Assessor and Auditor Controller

www.sbcounty.gov

Local Agency Formation Commission

909.388.0480

Samuel Martinez, Executive Officer

CHINO VALLEY UNIFIED SCHOOL DISTRICT

Facilities, Planning and Operations Department

Greg Stachura, Assistant Superintendent, 909.334.3448

TOM DODSON & ASSOCIATES

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

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

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

Web: tdaenvironmental.com



September 3, 2024

Samuel Martinez
Executive Officer
Local Agency Formation Commission
1601 E. 3rd Street, Suite 102
San Bernardino, CA 92415-0490

Dear Sam:

LAFCO 3269 consists of a proposal from the City of Chino that includes a Reorganization to include Annexation of approximately 144.8 acres to the City of Chino and Detachment from County Service Area 70 and County Service Area SL-1, known as the Ramona Francis Annexation. The project area encompasses approximately 144.8 acres and is generally located north and south of Francis Avenue between Norton and Yorba Avenues. This whole site is located within the City of Chino's northwestern sphere of influence. The area proposed for Reorganization has been pre-zoned by the City and the City adopted an Addendum to the City's General Plan Environmental Impact Report (EIR) for compliance with the California Environmental Quality Act (CEQA). If the Commission approves LAFCO 3269, future development within the project area can move forward with development of pre-zoned uses through the City of Chino.

The City of Chino prepared an Addendum in 2023 and adopted it as an adequate modification to the General Plan EIR for its pre-zone designations. The City's Addendum addressed the whole of the City's proposed Reorganization area (144.8 acres). The Notice of Determination for this action was filed for this Addendum on July 12, 2023 and no litigation ensued. The Addendum concluded that implementation of the proposed pre-zoning designations would not result in significant adverse impacts to the environment and brought forward several mitigation measures from the General Plan that must be implemented. None of these measures is the responsibility of the Commission. Therefore, I am recommending that the Commission consider the adopted Addendum as a CEQA Responsible Agency and as the appropriate CEQA environmental determination for LAFCO 3269.

Thus, based on a review of LAFCO 3269 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 Addendum as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in July 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 3269, acting as a CEQA Responsible Agency:

1. Indicate that the Commission Staff and environmental consultant have independently reviewed the City's Addendum and found it adequate for the Reorganization proposal contained in LAFCO 3269.
2. The Commission needs to indicate that it has considered the IS/MND and environmental effects, as outlined in the Addendum, prior to reaching a decision on the project and finds the information substantiating the Addendum adequate for approval of the Reorganization proposal contained in LAFCO 3269.
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 script is fluid and cursive, with the first name "Tom" and last name "Dodson" clearly legible.

Tom Dodson

CLERK OF THE
BOARD OF SUPERVISORS

2023 JUL 12 AM 10:13

COUNTY OF SAN BERNARDINO
JUL 11 2023 A



DATE FILED & POSTED

Posted On: 7/12/23

Removed On: 8/24/23

Receipt No: 30-07122023-

578

NOTICE OF DETERMINATION

To: Office of Planning and Research
For U.S. Mail:
P.O. Box 3044
Sacramento, CA 95812-3044

Street Address:
1400 Tenth St.
Sacramento, CA 95814

From: City of Chino
Planning Division
P.O. Box 667
Chino, CA 91708-0667

Contact: Mike Hitz

Phone #: 909-334-3448

X San Bernardino County
Clerk of the Board of Supervisors
385 North Arrowhead Ave, 2nd Floor
San Bernardino, CA 92415-0131

Lead Agency (if different from above):

Address:

Contact:

SUBJECT: Filing of Notice of Determination in compliance with Sections 21108 and 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to the State Clearinghouse): N/A

Project Title: Ramona Francis Annexation

Project Applicant: City of Chino

Project Location (include county): Generally located east of Norton Avenue, north and south of Francis Avenue, north and south of Philadelphia Street, and east and west of Yorba Avenue in the City of Chino Sphere of Influence, San Bernardino County, California

Project Description: The Project consists of a proposal to annex into the boundaries of the City of Chino approximately 144.8 acres of land. The Annexation Area is located entirely within the City's Sphere of Influence (SOI) and is surrounded by the City on 73 percent of its perimeter. The Annexation Area currently includes low-density single family residential units, agricultural uses, one public/religious structure, and vacant/undeveloped parcels. The proposed City General Plan land use and zoning designations for the Annexation Area are similar with the San Bernardino County General Plan land use designations and zoning classifications that currently apply to this portion of the City's SOI. As such, the proposed Project would not allow for any intensification of existing or planned land uses beyond what already would be allowed under existing conditions pursuant to the San Bernardino County General Plan and zoning ordinance. Additionally, the proposed Project would not authorize or permit any new development within the Annexation Area; future development within the Annexation Area would be subject to review by the City of Chino.

This is to advise that on July 5, 2023, the Chino City Council approved: 1) A General Plan Amendment (City Case No. PL23-0041) related to the proposed annexation; 2) A request to initiate annexation proceedings with the San Bernardino County Local Agency Formation Commission; and 3) An Environmental Impact Report Addendum related to the proposed Project. Also, on July 5, 2023, the Chino City Council introduced the first reading of ordinances that, once effective, will adopt Prezone/Annexation (City Case No. PL23-0014) and Zoning Ordinance Amendment (City Case No. PL23-0015) actions related to the proposed annexation. The City of Chino has made the following determinations regarding the above described project.

1. The project (☐ will ☒ will not) have a significant effect on the environment.

2. ☒ An Environmental Impact Report (SCH #2008091064) for Chino General Plan was previously certified by the City of Chino City Council on July 6, 2010, and used as the basis for the EIR Addendum and agency approval for this project; or

ADDENDUM TO CITY OF CHINO GENERAL PLAN **ENVIRONMENTAL IMPACT REPORT**

RAMONA FRANCIS ANNEXATION **CITY OF CHINO, CALIFORNIA**



LEAD AGENCY:

City of Chino
13220 Central Avenue
Chino, CA 91710
Contact: Mike Hitz, Principal Planner

May 2023

RAMONA FRANCIS ANNEXATION

CITY OF CHINO, CALIFORNIA

ADDENDUM TO CITY OF CHINO GENERAL PLAN ENVIRONMENTAL IMPACT REPORT

LEAD AGENCY:

City of Chino
13220 Central Avenue
Chino, CA 91710
Contact: Mike Hitz, Principal Planner

CEQA CONSULTANT:



T&B Planning, Inc.
3200 El Camino Real, Suite 100
Irvine, CA 92602

May 2023

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| B. | Cultural Resources Study |

ACRONYMS, ABBREVIATIONS, AND UNITS OF MEASURE

| <u>Acronym</u> | <u>Definition</u> |
|----------------|--|
| AB | Assembly Bill |
| ac | acre |
| AFY | Acre-Feet per Year |
| ALUC | Airport Land Use Commission |
| ALUCP | Airport Land Use Compatibility Plan |
| amsl | above mean sea level |
| APN(s) | Assessor's Parcel Number(s) |
| BFFP | Board of Forestry and Fire Protection |
| BMPs | Best Management Practices |
| CalEPA | California Environmental Protection Agency |
| CAO | Cleanup and Abatement Order |
| CAP | Climate Action Plan |
| CBC | California Building Code |
| CCR | California Code of Regulations |
| CDC | California Department of Conservation |
| CDFW | California Department of Fish and Wildlife |
| CDO | Cease and Desist Order |
| CEQA | California Environmental Quality Act |
| CIWMP | Countywide Integrated Waste Management Plan |
| CLUP | Comprehensive Land Use Plan |
| CRS | Cultural Resources Study (GPU EIR Addendum <i>Technical Appendix B</i>) |
| CVFD | Chino Valley Fire District |
| CVUSD | Chino Valley Unified School District |
| CWA | Clean Water Act |
| DIF | Development Impact Fee |
| DPM | Diesel Particulate Matter |
| DTSC | Department of Toxic Substances Control |
| du | dwelling unit |
| DWR | Department of Water Resources |
| EHS | Environmental Health Services |
| EIR | Environmental Impact Report |
| FEMA | Federal Emergency Management Agency |
| FMMP | Farmland Mapping and Monitoring Program |
| GHG | Greenhouse Gas |

ACRONYMS, ABBREVIATIONS, AND UNITS OF MEASURE

| <u>Acronym</u> | <u>Definition</u> |
|-------------------|---|
| gpd | gallons per day |
| GPU | General Plan Update |
| GSA | Groundwater Sustainability Agency |
| GSP | Groundwater Sustainability Plan |
| IEUA | Inland Empire Utilities Agency |
| LAFCO | Local Agency Formation Commission |
| LOS | Level of Service |
| mgd | million gallons per day |
| MRZ | Mineral Resources Zone |
| MSHCP | (Western Riverside County) Multiple Species Habitat Conservation Plan |
| MVWD | Monte Vista Water District |
| NAHC | Native American Heritage Commission |
| No. | Number |
| NPDES | National Pollutant Discharge Elimination System |
| NSA | Northern Service Area |
| O ₃ | Ozone |
| OBMP | (Chino Basin) Optimum Basin Management Program |
| ONT | Ontario International Airport Land Use |
| PM _{2.5} | Particulate Matter (smaller than 2.5 microns) |
| PM ₁₀ | Particulate Matter (smaller than 10 microns) |
| PFS | Plan for Service (GPU EIR Addendum <i>Technical Appendix A</i>) |
| ppd | pounds per day |
| pph | persons per household |
| PRC | Public Resources Code |
| RMP | Resource Management Plan |
| RS | Residential Suburban (San Bernardino County Zoning Classification) |
| RTP | Regional Transportation Plan |
| RWQCB | Regional Water Quality Control Board |
| SAWPA | Santa Ana Watershed Project Authority |
| SB | Senate Bill |
| SBCFD | San Bernardino County Flood Control District |
| SBCSD | San Bernardino County Sheriff's Department |

ACRONYMS, ABBREVIATIONS, AND UNITS OF MEASURE

| <u>Acronym</u> | <u>Definition</u> |
|----------------|--|
| SCAB | South Coast Air Basin |
| SCAG | Southern California Association of Governments |
| SCAQMD | South Coast Air Quality Management District |
| SCAQMP | South Coast Air Quality Management Plan |
| SCE | Southern California Edison |
| SCH | State Clearinghouse |
| SCS | Sustainable Communities Strategy |
| s.f. | square foot or square feet |
| SGMA | Sustainable Groundwater Management Act |
| SOC | Statement of Overriding Considerations |
| SOI | Sphere of Influence |
| SRA | State Responsibility Area |
| SSA | Southern Service Area |
| SWPPP | Stormwater Pollution and Prevention Plan |
| UWMP | Urban Water Management Plan |
| VMT | Vehicle Miles Traveled |
| WDR | Waste Discharge Requirements |
| WQMP | Water Quality Management Plan |

1.0 Introduction

1.1 DOCUMENT PURPOSE

This *Introduction* provides general information regarding: 1) a summary of the Project; 2) the Final Program Environmental Impact Report (EIR) certified in compliance with CEQA by the Chino City Council for the 2010 General Plan Update; 3) standards of adequacy for an Environmental Impact Report (EIR) Addendum under the California Environmental Quality Act (CEQA); 4) a summary of the Initial Study findings supporting the Lead Agency's (City of Chino) decision to prepare an EIR Addendum for the proposed Project; 5) a description of the format and content of this EIR Addendum; and 6) the governmental processing requirements to consider the Project for approval.

1.2 PROJECT OVERVIEW

The Project consists of a proposal to annex into the boundaries of the City of Chino approximately 144.8 acres of land (herein, "Annexation Area" or "Project Site") that is currently under the jurisdiction of San Bernardino County. As depicted on Figure 1-1, *Annexation Area*, the Annexation Area is located at the northern border of the City and is generally centered on Ramona Ave and Mustang Road. The Annexation Area is located entirely within the City's Sphere of Influence (SOI) and is surrounded by the City on 73 percent of its perimeter. The proposed Project would consolidate service areas and promote consistency with the City of Chino's SOI by redrawing City Limits in a more logical and consistent manner by incorporating the Annexation Area into the City's boundaries. The Annexation Area currently includes low-density single family residential units, agricultural uses, one public/religious structure, and vacant/undeveloped parcels in an area that is designated by the City's General Plan for "RD 2 Residential (1-2 dwelling units per acre [du/ac])," "RD 4.5 Residential (3-4.5 du/ac)," and "P (Public)" land uses. The City's General Plan land use designations for the Annexation Area are consistent with the San Bernardino County General Plan land use designations and zoning classifications that currently apply to this portion of the City's SOI. As such, the proposed Project would not allow for any intensification of existing or planned land uses beyond what already would be allowed under existing conditions pursuant to the San Bernardino County General Plan and zoning ordinance. Additionally, the proposed Project would not authorize or permit any new development within the Annexation Area, as all future development within the Annexation Area either would be required to comply with the City's zoning ordinance (which implements the City's General Plan Land Use designations), or would be subject to applications for discretionary permits that would separately require their own review and analysis for compliance with CEQA. Refer to Section 3.0, *Project Description*, for a comprehensive description of the proposed Project.

1.3 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

1.3.1 CEQA Objectives

CEQA (Public Resources Code Section 21000 et seq.) applies to most public agency discretionary decisions to carry out, authorize, or approve actions that have the potential to adversely affect the environment. CEQA requires that public agencies inform their decision-makers of the environmental consequences of their discretionary actions and to consider alternatives and mitigation measures that could avoid or reduce the discretionary actions' significant, adverse environmental effects. CEQA also gives other public agencies and the general public an

[illegible]

1.3.2 Prior CEQA Review

In 2010, the City of Chino undertook a comprehensive update to its General Plan and Focused Growth Plan (hereinafter, “GPU”). The GPU was a complete revision to the previously-adopted General Plan, and comprises the principal policy document for guiding future conservation and development in the City of Chino. The GPU identifies concepts for long-term planning through 2025, and provides overall direction for day-to-day actions of the City, its elected officials, and staff. The GPU includes regulations in the form of goals, objectives, policies, and actions that are designed to implement the community’s vision for the future of Chino. The policies and actions are intended to be used by the City to guide everyday decision-making and to ensure progress toward the attainment of the goals outlined in the plan. The City of Chino adopted the GPU on July 6, 2010.

In conjunction with its approval of the GPU on July 6, 2010, the City of Chino also certified the Final EIR (State Clearinghouse [SCH] No. 2008091064; hereinafter, "GPU EIR") that was prepared to evaluate the potential environmental effects associated with implementation of the GPU. The GPU EIR was prepared as a Program EIR pursuant to CEQA Guidelines Section 15168. As defined by CEQA Guidelines Section 15168, a Program EIR "...is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related either: (1) Geographically; 2) A logical parts in the chain of contemplated actions (*sic*); 3) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or (4) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways."

In certifying the GPU EIR, the City of Chino City Council found that the GPU EIR adequately addressed the potential environmental impacts associated with buildout of the GPU. The GPU EIR identified three (3) significant and unavoidable environmental impacts under two (2) individual environmental topics that would result from implementation of the GPU:

- Agricultural Resources (Impact AG-1): The GPU EIR disclosed that the GPU would result in the conversion of two parcels under Williamson Act contract and located outside of The Preserve Specific Plan Area. Although the City's Right-to-Farm ordinance would remain in effect, this impact cannot be mitigated and would be significant and unavoidable.
- Air Quality (Impact AQ-1): The GPU EIR disclosed that because the land uses proposed in the GPU were inconsistent with the then-existing General Plan upon which the South Coast Air Quality Management Plan (SCAQMP) was based, the GPU would not conform to the planning assumptions included in the 2007 SCAQMP. The GPU EIR found that the GPU would increase the region's Vehicle Miles Traveled (VMT) and air emissions beyond what was assumed in the 2007 SCAQMP. Consequently, the GPU EIR found that the GPU would conflict with the adopted air plan, and would result in cumulative air quality impacts in the South Coast Air Basin (SCAB).
- Air Quality (Impact AQ-2): The GPU EIR found that while the GPU contains objectives, policies, and actions that would reduce emissions, implementation of the GPU would result in emissions that are greater than 85 percent of then-existing greenhouse gas (GHG) emissions. The GPU EIR concluded that impacts would be significant and unavoidable.

In conjunction with certifying the GPU EIR, the City Council adopted findings of fact as required by CEQA, and adopted a Statement of Overriding Considerations (SOC), which demonstrated that the benefits of the GPU outweighed the significant and unavoidable environmental impacts summarized above.

1.3.3 CEQA Rules and Requirements for an Addendum

The CEQA Guidelines allow for the updating and use of a previously-certified EIR for projects that have changed or are different from the previous project or conditions analyzed in the certified EIR. In cases where changes or additions occur with no new or more severe significant environmental impacts, an Addendum to a previously certified EIR may be prepared. See CEQA Guidelines Section 15164.

The following describes the requirements of an Addendum, as defined by CEQA Guidelines Section 15164:

- a. The lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent EIR have occurred.
- b. An Addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- c. An Addendum need not be circulated for public review but can be included in or attached to the Final EIR.
- d. The decision-making body shall consider the Addendum with the Final EIR prior to making a decision on the project.
- e. A brief explanation of the decision not to prepare a Subsequent EIR pursuant to Section 15162 should be included in an Addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

The GPU EIR was prepared to serve as a "program EIR" for the ultimate buildout for the GPU (Chino, 2010b, p. 1-2). CEQA Guidelines Section 15168(c) sets forth requirements that implementing developments must meet in order to tier from a program EIR as provided in Section 15152 of the CEQA Guidelines. As documented in the Initial Study provided herein in Section 4.0, the proposed Project's environmental effects were fully evaluated in the GPU EIR, as required by CEQA Guidelines Section 15168(c)(1). CEQA Guidelines Section 15168(c)(2) allows for tiering from a program EIR if the lead agency finds that no subsequent EIR would be required pursuant to CEQA Guidelines Section 15162. As discussed below under the discussion of CEQA Guidelines Section 15162, the lead agency (City of Chino) has determined that there is substantial evidence demonstrating that the proposed Project is within the scope of analysis of the GPU EIR, is consistent with the project evaluated in the GPU EIR, is within the geographic area analyzed by the GPU EIR, and is consistent with the overall planned building intensity for the site as evaluated by the GPU EIR. As such, the Project meets the criteria of CEQA Guidelines Section 15168(c) that allows for tiering from a program EIR pursuant to CEQA Guidelines Section 15152.

As noted above, CEQA Guidelines Section 15164(a) and (b) allow for the preparation of an Addendum and Section 15168(c)(2) allows for tiering from a program EIR if none of the conditions described in Section 15162 are met. CEQA Guideline Section 15162 describes the conditions under which a Subsequent EIR must be prepared, as follows:

- a. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of environmental effects or a substantial increase in the severity of previously identified significant effects;
- b. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

- c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - 1. The project will have one or more significant effects not discussed in the previous EIR;
 - 2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - 3. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternatives; or
 - 4. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If none of these circumstances are present, and only minor technical changes or additions are necessary to update the previously certified EIR, an Addendum may be prepared. See CEQA Guidelines Section 15164. As described in subsection 1.3.4, below, and in the Initial Study provided in Section 4.0, none of the above circumstances that warrant the preparation of a Subsequent EIR are present.

1.3.4 Initial Study Findings

The City of Chino, serving as the CEQA Lead Agency for the proposed Project (See CEQA Guidelines Sections 15050–15051), determined in its independent judgment that the Project evaluated herein does not meet any of the circumstances from CEQA Guidelines Section 15162 and that an Addendum to the previously-certified GPU EIR is the appropriate CEQA compliance document for the Project. The City's finding is based on the following facts:

- a. As demonstrated in detail in Section 4.0 of this document, the Project would not require major revisions to the previously-certified GPU EIR because the Project would neither result in significant impacts to the physical environment that were not already disclosed in the GPU EIR nor result in substantial increases in the severity of the environmental impacts previously disclosed in the GPU EIR.
- b. Subsequent to the certification of the GPU EIR, no substantial changes in the circumstances under which the Project would be undertaken have occurred that would require major revisions to the GPU EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- c. There is no evidence in the public record that new information of substantial importance has become available that is applicable to the Project and/or Project Site, was not known and could not have been known with the exercise of reasonable diligence at the time the GPU EIR was certified, and would alter the conclusions of the GPU EIR.

1.3.5 Format and Content of this EIR Addendum

This EIR Addendum includes the following sections:

- Section 1.0, *Introduction*, provides a summary of the proposed Project, provides an overview of CEQA objectives and requirements, and summarizes the results of the Project's Initial Study.
- Section 2.0, *Environmental Setting*, provides a summary of the existing environmental setting for the Project Site and its surroundings as they existing at the time environmental analysis commenced for the Project (November 2021).
- Section 3.0, *Project Description*, provides an overview of the proposed Project and the Project's discretionary approvals, and describes the Project's construction and operational characteristics.
- Section 4.0, *Initial Study Checklist*, provides the Initial Study Checklist, provides the determination of the Initial Study, includes the analysis associated with the Initial Study Checklist, and documents the reasons to support the findings and conclusions of the Initial Study.
- Section 5.0, *References*, includes a list of reference material used to prepare this Addendum. All reference materials cited in Section 5.0 are herein incorporated by reference pursuant to CEQA Guidelines Section 15150 and are available for public review at the internet addresses provided in Section 5.0 and/or at the City of Chino Planning Department, 13220 Central Avenue, Chino, CA. 91710

In addition, the analysis herein relies on two technical studies that were prepared in association with the proposed Project, which are attached as Technical Appendices to this Addendum. The appendices listed below are available for review at the City of Chino Planning Department located at 13220 Central Avenue, Chino, CA 91710, and are hereby incorporated by reference pursuant to CEQA Guidelines Section 15150.

Technical Appendix A: Ramona Francis Annexation Plan for Service and Fiscal Impact Analysis

Technical Appendix B: Cultural Resources Study for the City of Chino Annexation Project

1.3.6 Preparation and Processing of this EIR Addendum

The City of Chino Development Services Department, Planning Division, directed and supervised the preparation of this EIR Addendum. Although prepared with assistance of the consulting firm T&B Planning, Inc., the content contained within and the conclusions drawn by this EIR Addendum reflect the sole independent judgment of the City.

This EIR Addendum will be forwarded, along with the previously certified GPU EIR and a draft Resolution of Application to the San Bernardino County Local Agency Formation Commission (LAFCO), to the City of Chino City Council for consideration. A public hearing then will be held before the City Council, which will consider the information contained in the Project's EIR Addendum and the Project's Administrative Record in its decision-making processes, and will adopt or decline to adopt this EIR Addendum, and will approve, approve with changes, or deny the draft Resolution of Application to LAFCO requesting annexation of the Annexation Area. Following approval of the Resolution of Application, LAFCO would commence review of the City's annexation application.

Ramona Francis Annexation

Once LAFCO has determined that the City's application for annexation is complete, the LAFCO executive officer would issue a certificate of filing and set the proposal for LAFCO commission consideration within 90 days. As part of their review of the application for annexation, the LAFCO would rely on the information and findings contained within this Addendum to the GPU EIR. Following their review, the LAFCO commission may approve, conditionally approve, or deny the proposed annexation request.

2.0 Environmental Setting

2.1 PROJECT LOCATION

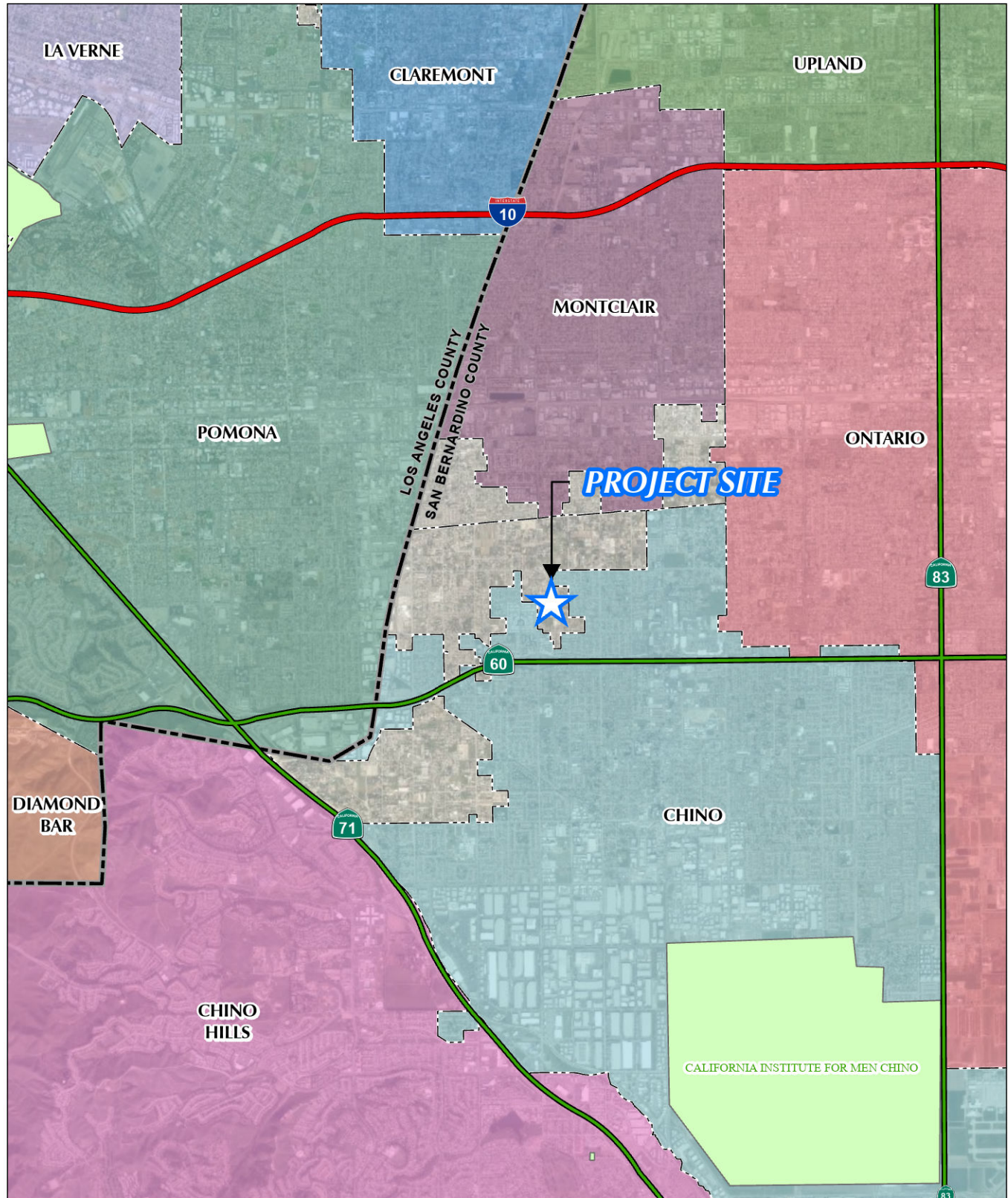
Figure 2-1, *Regional Map*, and Figure 2-2, *Vicinity Map*, depict the location of the Annexation Area. As shown, the 144.8-acre Project Site is located at the northern border of the City of Chino and is currently under the jurisdiction of San Bernardino County. The Project Site generally is located east of Norton Avenue, north and south of Francis Avenue, north and south of Philadelphia Street, and east and west of Yorba Avenue. The Project Site includes Assessor's Parcel Numbers (APNs) 1013-211-(04-08, 10, 11, 18-22), 1013-221-(01-06, 09, 11-18), 1013-341-(03-07, 09-13), 1013-351-(16, 17, 20-23, 26-31, 40), 1013-361-(01-11, 14-21, 25), 1013-371-(03-22), 1013-411-(11, 14-18), 1013-421-(01, 04-13, 16, 18, 19), 1013-431-(01, 02, 06, 09-11), and 1016-121-(04-07) and the public right of way (to centerline) of public streets abutting the above listed parcels. The Project Site is located in Section 34, Township 1 South, Range 8 West, and Section 3, Township 2 South, Range 8 West, San Bernardino Baseline and Meridian.

2.2 PLANNING CONTEXT

2.2.1 General Plan Land Use Designations

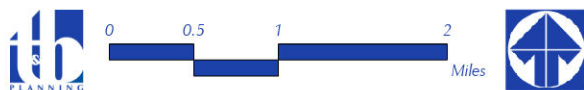
As shown on Figure 2-3, *San Bernardino County General Plan Land Use Designations*, under existing conditions, the San Bernardino County General Plan (Countywide Plan) designates a majority of the Annexation Area for "VLDR: Very Low Density Residential (0-2 [dwelling units per acre (du/ac)] max)" land uses, while the property located at the northwest corner of the Yorba Avenue and Francis Avenue intersection and the portions of the Annexation Area located south of Philadelphia Street and east of Yorba Avenue are designated for "LDR Low Density Residential (2-5 du/ac max)." The VLDR land use designation allows for very low-density residential uses when developed as single-family neighborhoods that can share common infrastructure, public facilities, and services. The LDR land use designation is intended to promote conventional suburban residential neighborhoods that support and are served by common infrastructure, public facilities, and services. (SB County, 2020a, Table LU-1)

As shown on Figure 2-4, *City of Chino General Plan Land Use Designations*, the City of Chino General Plan identifies the Annexation Area as part of the City's SOI, and designates the northern portions of the Annexation Area (generally, existing residential uses along Mustang Road and areas to the north) for "RD 2 (1-2 du/ac)" land uses, and designates a majority of the southern portions of the Annexation Area for "RD 4.5 (3-4.5 du/ac)" land uses. Four parcels (APNs 1014-421-09, 1013-421-11, 1013-421-12, and 1013-421-10) located north of Philadelphia Street between Ramona Avenue and Yorba Avenue are designated by the Chino General Plan for "Public" land uses. The RD2 land use designation is intended to allow for large-lot residential uses that are compatible with semi-rural development at a maximum density of 1 to 2 du/ac, and allows for up to 2.5 du/ac with provision of affordable housing. The RD 4.5 land use designation is intended to allow for single-family suburban uses, consisting primarily of detached dwelling units, at a maximum density of 3 to 4.5 du/ac. The Public land use designation is intended to allow for major public uses or institutions, including the Civic Center, hospital, post offices, fire stations, and the airport. (Chino, 2010a, pp. LU-9 and LU-10, Figure LU-1)

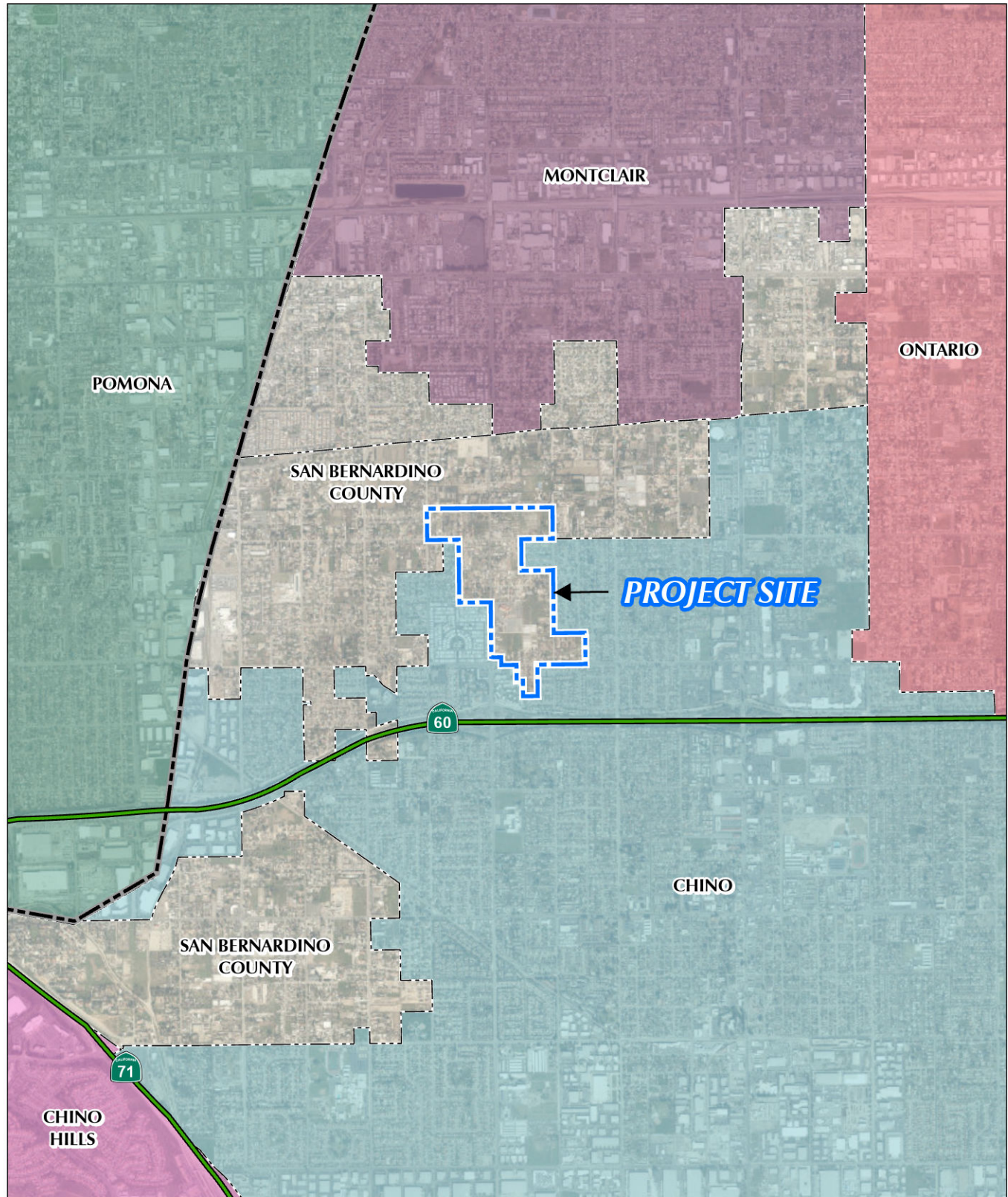


Source(s): ESRI, LA GIS Portal (2018), Nearmap (2022), RCTLMA (2019), SANBAG (2018), SBCTA (2019)

Figure 2-1

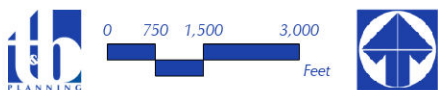


Regional Map

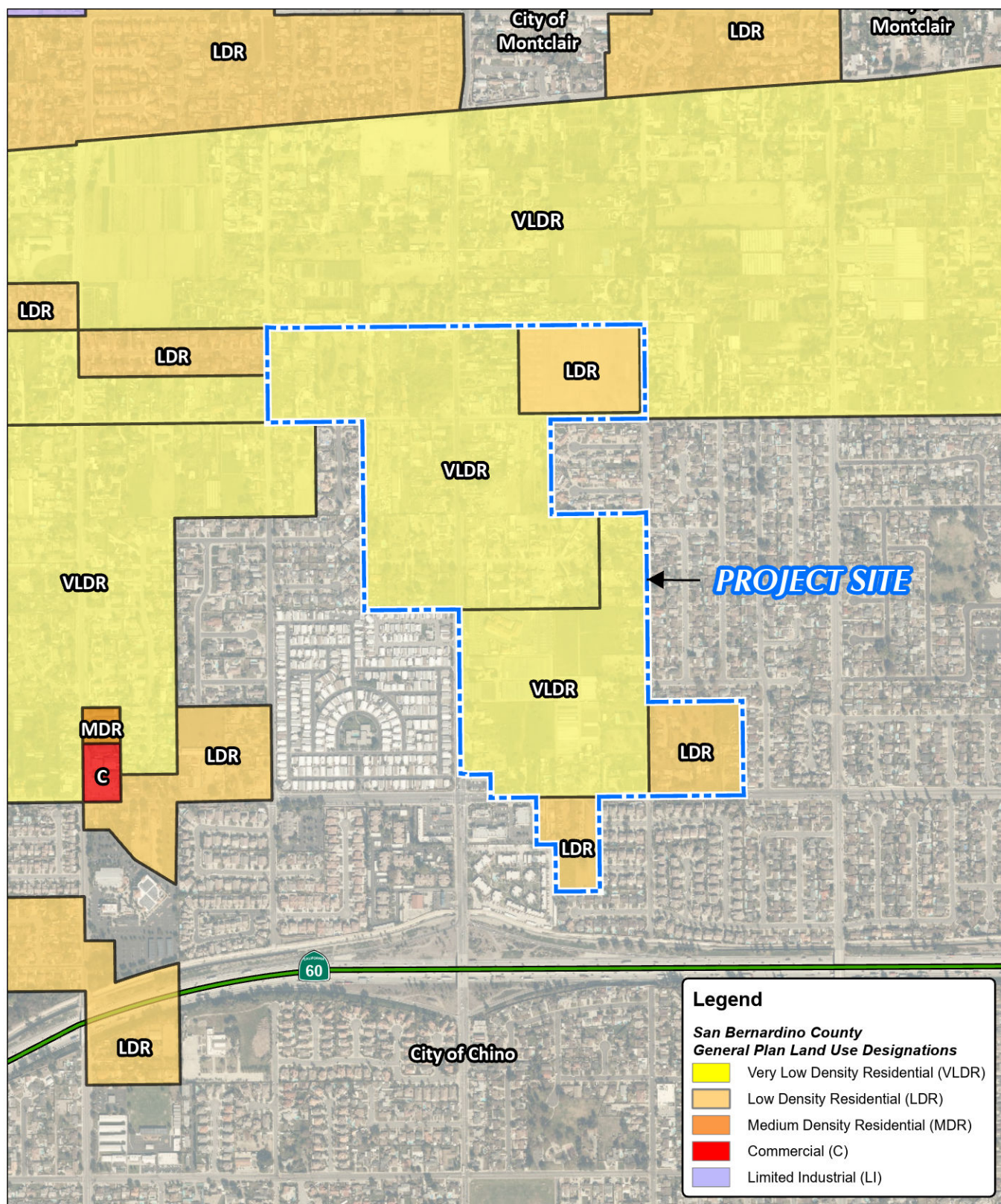


Source(s): ESRI, LA County (2022), Nearmap (2022), San Bernardino County (2022)

Figure 2-2

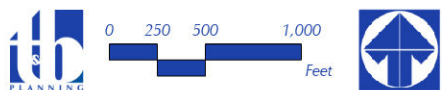


Vicinity Map

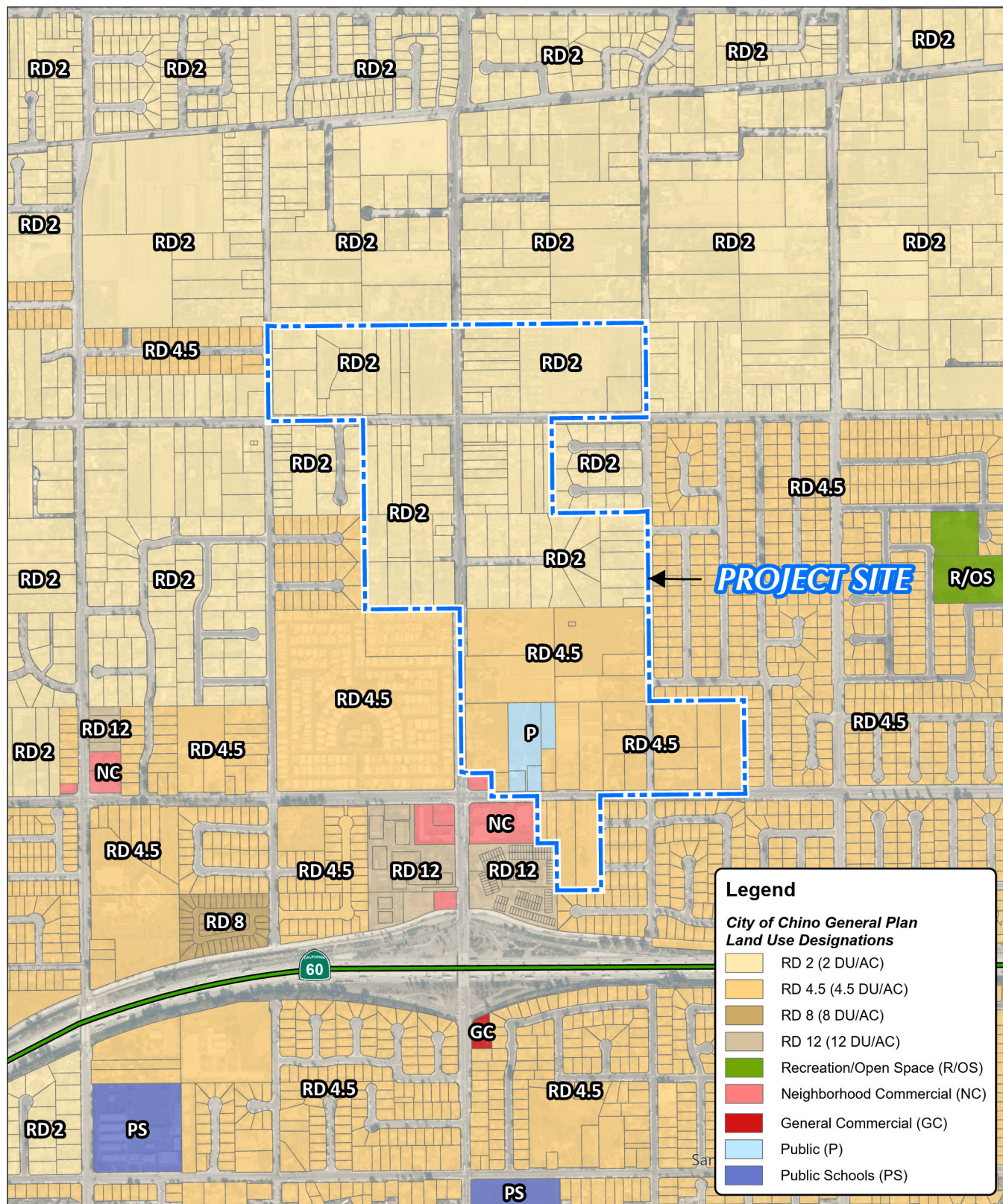


Source(s): ESRI, LA County (2022), Nearmap Imagery (2022), City of Chino (2020)

Figure 2-3

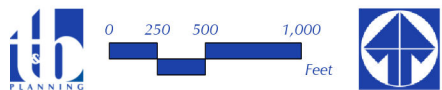


San Bernardino County General Plan Land Use Designations



Source(s): ESRI, LA County (2022), Nearmap Imagery (2022), City of Chino (2020)

Figure 2-4



City of Chino General Plan Land Use Designations

2.2.2 Existing Zoning Classifications

As shown on Figure 2-5, *San Bernardino County Zoning Classifications*, San Bernardino County zones the property located at the northwest corner of the Yorba Avenue and Francis Avenue intersection and the portion of the Annexation Area located south of Philadelphia Street and east of Yorba Avenue for “Single Residential (RS),” while the existing residential parcels along Mustang Road and areas to the north within the Annexation Area are zoned for “Single Residential, 1-acre Minimum Lot Size (RS-1).” The remaining portions of the Annexation Area are zoned for “Single Residential, 20,000 s.f. Minimum Lot Sizes (RS-20M).” The RS zone is intended to promote the development of single-family detached units in a suburban setting with a minimum lot size of 7,200 square feet, and a maximum density of 4.0 units per net acre, except where larger lot sizes otherwise are indicated by the zoning classification. The City of Chino does not apply zoning classifications to the Annexation Area under existing conditions.

2.3 EXISTING SITE CONDITIONS

2.3.1 Existing Land Uses

As shown on Figure 2-6, *Aerial Photograph*, the Annexation Area primarily consists of low-density single-family residential units interspersed with vacant land. The Annexation Area contains 117 dwelling units under existing conditions with an estimated population of 394 persons (SRHA, 2023, p. 4). One religious facility (The Chino Mosque) occurs within the Project Site along the east side of Ramona Avenue, to the south of which are several existing greenhouses. Agricultural uses also occur to the north of Francis Avenue. Lands surrounding the Project Site include a mobile home park and low-density single-family residential units interspersed with vacant land to the west; low-density single-family residential units and agricultural uses to the north; low-density single-family residential units and medium density residential units to the east; and medium-density residential and multi-family residential uses to the south.

2.3.2 Aesthetics and Topography

As depicted on Figure 2-7, *USGS Topographic Map*, topography within the Annexation Area generally consists of flat land that slopes slowly downward from north to south. Elevations range from 846 feet above mean sea level (amsl) in the northeast portion of the Annexation Area to 789 feet amsl in the southern portion of the Annexation Area. Overall topographic relief is approximately 57 feet. As previously depicted on Figure 2-6, aesthetic conditions within the Annexation Area are typical of a predominantly low-density residential community with relatively low levels of ambient lighting. Vegetation within the Annexation Area is largely limited to ornamental trees, groundcovers, and shrubs. There are no prominent scenic vistas or visual resources within the Project area.

2.3.3 Air Quality and Climate

The Annexation Area is located in the 6,745-square-mile South Coast Air Basin (SCAB), which includes portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County. The SCAB is bound by the Pacific Ocean to the west, the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east, and the San Diego County Line to the south. The SCAB is within the jurisdiction of South Coast Air Quality Management District (SCAQMD); SCAQMD is charged with bringing air quality in the SCAB into conformity with federal and state air quality standards. The climate of the SCAB is characterized as semi-arid and more than 90% of the SCAB’s rainfall occurs from November through April. During the dry season, which also coincides with the months of maximum photochemical smog concentrations, the wind flow is bimodal, characterized by a daytime onshore sea breeze and a nighttime offshore drainage wind.

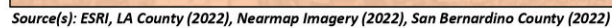
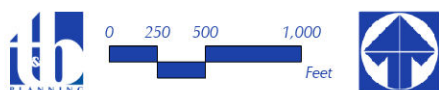


Figure 2-5

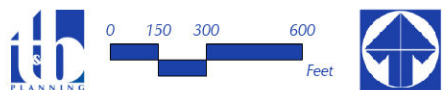


San Bernardino County Zoning Classifications



Source(s): ESRI, Nearmap (2022), SB County (2022)

Figure 2-6



Aerial Photograph

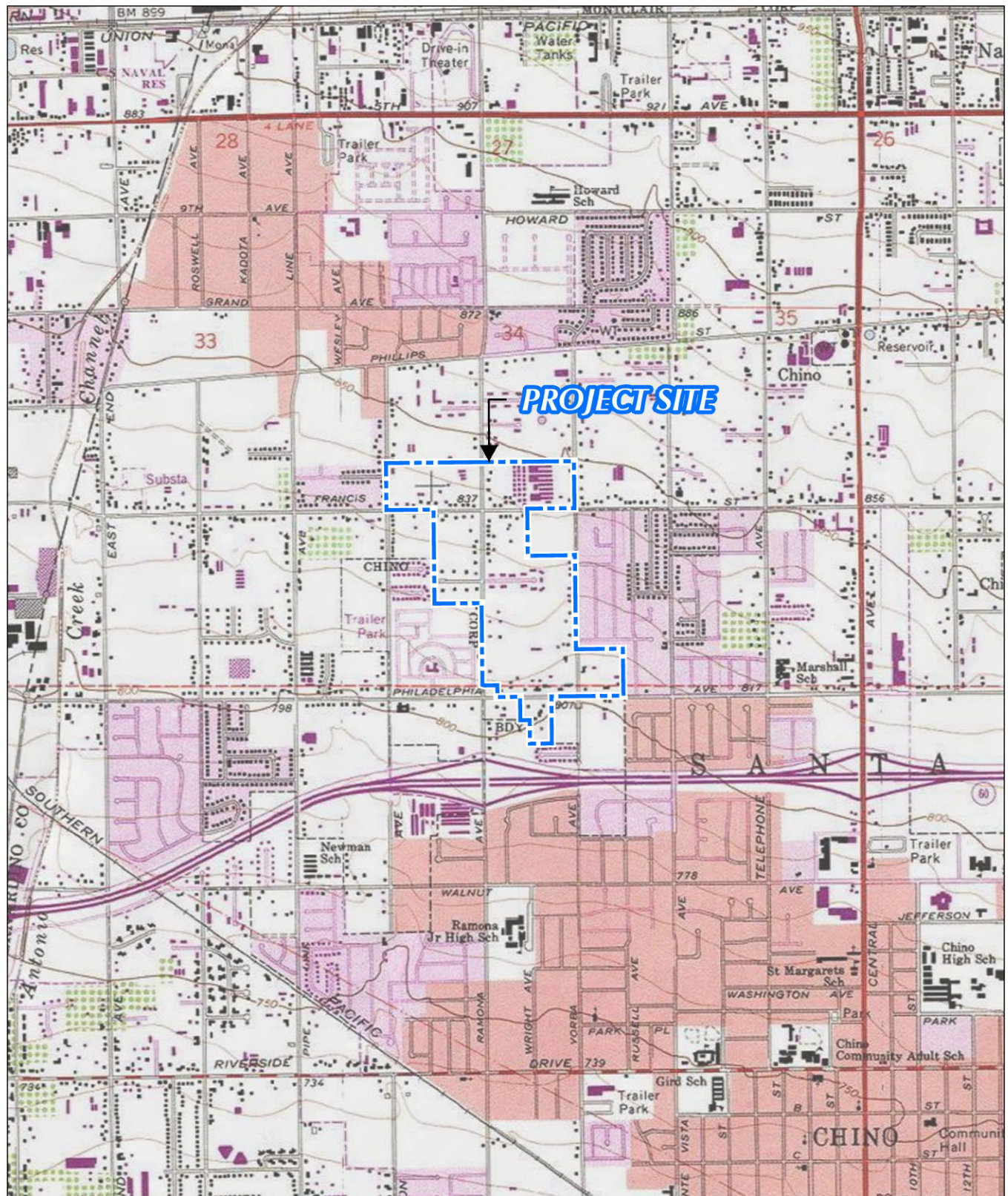
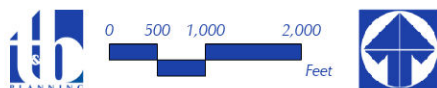


Figure 2-7



USGS Topographic Map

2.3.4 Geology

The City of Chino occurs in the Valley Region of San Bernardino County, which sits at the base of the San Bernardino and San Gabriel Mountains and is an area of low relief, consisting predominantly of alluvial fans and plains that range from 500 to 3,500 feet amsl. Most of the Valley Region is in the Upper Santa Ana River Valley. There are several small ranges of hills in the region, including the Crafton Hills near the City of Yucaipa and the Shandin Hills in the City of San Bernardino. The southwest edge of the County is in the Chino Hills and the southern edge of the County is in the Jurupa Hills in the City of Fontana and the Loma Linda Hills in the Cities of Grand Terrace, Colton, Loma Linda, and Redlands. Most of the Valley Region has a southerly slope; elevations are also somewhat higher in the east end of the region. (SB County, 2020b, p. 5.6-5)

Beneath the surface, the Valley Region consists of deep alluvial-filled basins that receive sediment from the adjacent San Gabriel and San Bernardino Mountains. Groundwater depths in the Valley Region can range from very shallow to relatively deep. The Valley Region is the major population center of the County and is, therefore, most susceptible to loss of life and structural damage during an earthquake. The San Andreas, San Jacinto, Chino-Central Avenue, Cucamonga, Puente Hills, and other local prominent faults cross or are close to the Valley Region and can cause earthquakes of significant magnitude. (SB County, 2020b, p. 5.6-5)

Notable geological features in the Valley Region include the San Andreas Fault at the southwest foot of the San Bernardino Mountains, the San Jacinto Fault at the southwest edge of the San Bernardino Basin, and the Cucamonga Fault at the southern foot of the San Gabriel Mountains. (SB County, 2020b, p. 5.6-5)

2.3.5 Hydrology

As noted above, the City of Chino occurs the Valley Region of San Bernardino County. The Valley Region is situated at the base of the San Gabriel and San Bernardino mountains to the north, the Los Angeles County line to the west, Yucaipa and the mountain portions of the County to the east, and Riverside County to the south. Drainage is mainly via creeks, streams, and washes descending from mountains and foothills. Many of these features drain into the Santa Ana River, and the Valley Region is in the Santa Ana River Watershed. The river channel transects the watershed from the San Bernardino National Forest to the ocean at Huntington Beach. (SB County, 2020b, p. 5.9-4)

More specifically, the Annexation Area occurs within the Chino Hydrologic Subarea of the Middle Santa Ana River Hydrologic Area Split of the Santa Ana River Hydrologic Unit. The federal Clean Water Act (CWA) requires all states to conduct water quality assessments of their water resources to identify water bodies that do not meet water quality standards. Water bodies that do not meet water quality standards are placed on a list of impaired waters pursuant to the requirements of Section 303(d) of the CWA. Receiving waters for the Annexation Area include San Antonio Creek, Chino Creek Reach 2, Chino Creek Reach 1B, Chino Creek Reach 1A, and Santa Ana River Reach 2. San Antonio Creek is listed as being impaired with pH; Chino Creek Reach 2 is impaired with indicator bacteria and pH; Chino Reach 1B is impaired due to chemical oxygen demand, indicator bacteria, and nutrients; Chino Reach 1A is impaired due to indicator bacteria and nutrients; and the Santa Ana River Reach 2 is not listed as being impaired. (SWRCB, 2022)

2.3.6 Public Services

Fire and Paramedic

The Chino Valley Fire District (CVFD) provides fire and paramedic services to the Cities of Chino and Chino Hills, as well as surrounding unincorporated areas, including the Annexation Area. The firefighters, paramedics, and specialized teams respond to structure fires, vegetation fires, medical aids, traffic collisions, confined space rescues, water rescues, and hazardous materials incidents. The specialized teams include Urban Search and Rescue, and Hazardous Materials and Swift Water Rescue. The CVFD includes seven fire stations which employ over 100 professional firefighters. The two fire stations closest to the Annexation Area include Station 5 located at 12220 Ramona Avenue (approximately 0.2-mile southwest of the annexation area) and Station 7 located at 5980 Riverside Drive (approximately 2 miles southeast of the annexation area) (Google Earth, 2021).

Sheriff (Police) and Public Safety

The San Bernardino County Sheriff's Department (SBCSD) currently provides public safety services to the Annexation Area. The SBCSD serves over 2.1 million residents, with 8 county and 14 contract patrol stations and approximately 3,600 employees. The department is augmented by several divisions to include aviation, training, patrol, dispatch, court services, detentions, gangs and narcotics, crimes against children, and the coroner's division. (SBCSD, n.d.)

Schools

Public school services within the Annexation Area are provided by the Chino Valley Unified School District (CVUSD). Schools in the CVUSD that provide service to the Annexation Area include E. J. Marshall Elementary School, located approximately 0.4-mile east of the Annexation Area; Ramona Junior High School, located approximately 0.4-mile south of the Annexation Area; and Don Antonio Lugo High School, located approximately 1.5 miles southwest of the Annexation Area. Collectively, these schools provide education for students from kindergarten through 12th grade.

Library Services

The Chino Branch Library is a branch of the San Bernardino County Library system that currently serves the Annexation Area. The library is located at 13180 Central Avenue in the City of Chino, approximately 1.5 miles to the southeast of the Annexation Area.

Parks and Recreation

There are no local or regional San Bernardino County park facilities in the Annexation Area under existing conditions. Existing park facilities located in the vicinity of the Annexation Area are operated and maintained by either the City of Chino or San Bernardino County. Some of the amenities in the City parks are baseball fields, basketball courts, lighted tennis courts, volleyball/sport courts, open areas for football and soccer, playground areas (tot lot areas), picnic tables, barbecue pits, electricity upon request, drinking fountains, restrooms, trails, and a dog park for small and large dogs.

2.3.7 Utilities

Water Service

The City of Chino and The Monte Vista Water District (MVWD) currently provide retail potable water service to different portions of the Annexation Area. The service area for the MVWD is shown in Figure 2-8, *Monte Vista Water District Service Area*, which shows the district boundary cut midway between Ramona Ave and Yorba Ave. The Annexation Area currently receives recycled water services from the IEUA.

Wastewater/Sewer

Wastewater/sewer services are not currently provided to the Annexation Area. Nearby lands within the City of Chino are served by the City of Chino's sewer system, which ultimately relies on IEUA for the operation and maintenance of regional sewer collection facilities.

The local system consists of a City-owned and maintained gravity flow collection and conveyance sanitary sewer system. The wastewater conveyance capacity of the City system is 71.7 million gallons per day (mgd), with anticipated use of about 10.7 mgd at buildout of the City's General Plan. The City of Chino itself does not have wastewater treatment facilities and therefore depends on the IEUA treatment plants. The City of Chino pays the IEUA for the treatment and disposal of wastewater.

The IEUA owns and operates a 66-mile regional interceptor system that collects and conveys wastewater from local sewers owned and operated by its member agencies, including the City of Chino. The IEUA has organized its service area into two portions: the Northern Service Area (NSA), generally north of State Route 60, and the Southern Service Area (SSA), generally south of State Route 60. The Annexation Area is within the IEUA's NSA.

Flood Control and Drainage

The City of Chino, the San Bernardino County Flood Control District (SBCFD), and the Army Corp of Engineers manage flood control in the Project area. The Project area includes several flood control channels and creeks. The SBCFD is responsible for intercepting and conveying flood flows through and away from the City of Chino.

Solid Waste

The current service provider for collection of solid waste in the annexation area is USA Waste of California. In 2016 about 97 percent of the solid waste landfilled from the unincorporated County was disposed of at the eight landfills summarized in Table 2-1, *Landfill Capacity of Landfills Serving Unincorporated San Bernardino County* (SB County, 2020b, p. 5.18-53).

Other Utility Services

Electricity within the Project area is provided by Southern California Edison (SCE). Natural gas is provided by the Southern California Gas Company. Cable, internet, and telephone services within the Annexation Area are provided by Time Warner and Verizon.

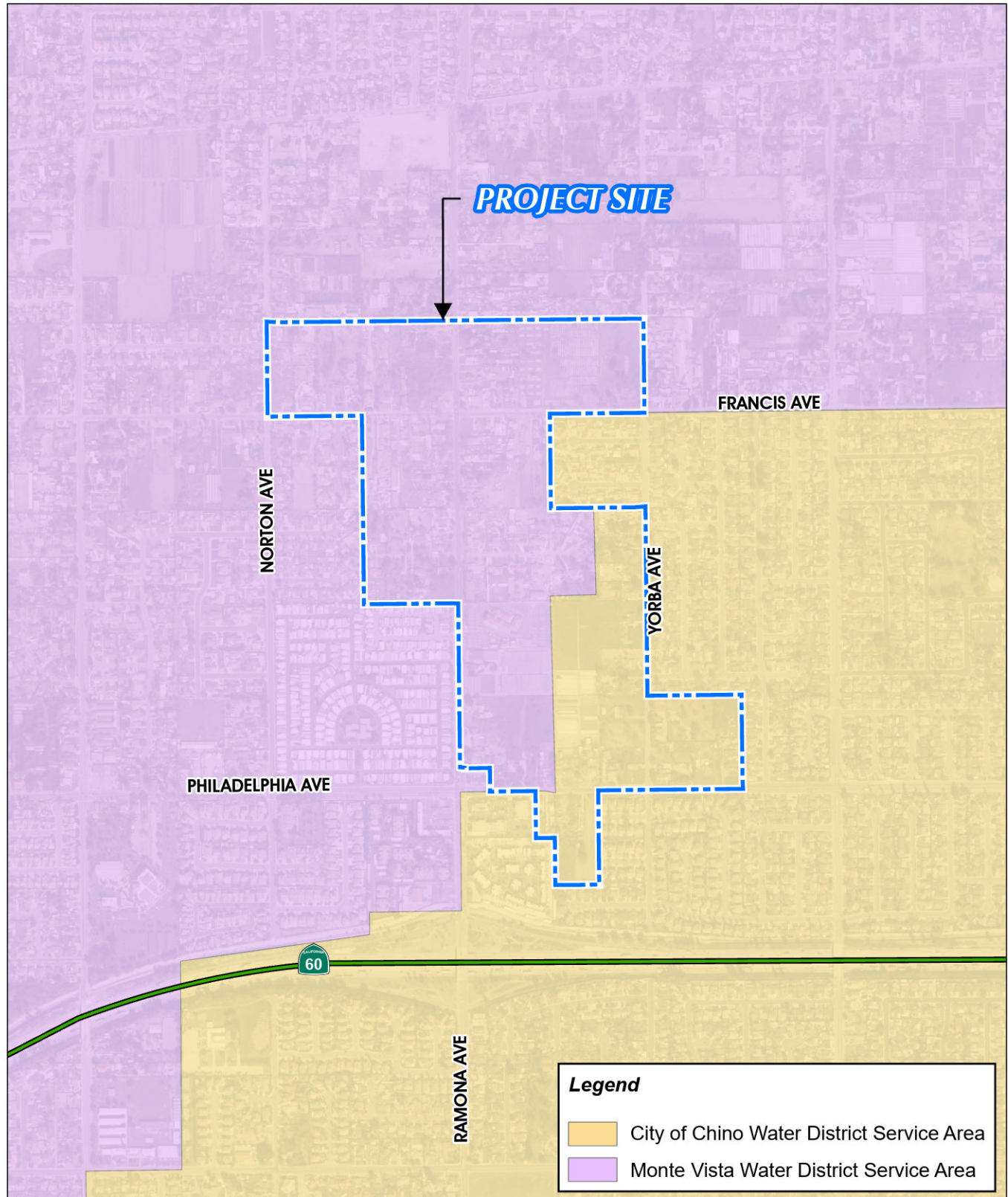


Figure 2-8

Table 2-1 Landfill Capacity of Landfills Serving Unincorporated San Bernardino County

| Landfill and Nearest City | Current Remaining Capacity (Cubic Yards) | Maximum Daily Disposal Capacity (tons) | Average Daily Disposal, 2017 (tons) ¹ | Residual Daily Disposal Capacity, tons | Estimated Close Date |
|---|---|--|--|--|-----------------------|
| Valley Region | | | | | |
| Mid-Valley Sanitary Landfill Rialto | 67,520,000 | 7,500 | 3,474 | 4,026 | 2033 |
| San Timoteo Sanitary Landfill Redlands | 11,402,000 | 2,000 | 928 | 1,072 | 2043 |
| Subtotal | 78,922,000 [59,191,500 tons] | 9,500 | 4,402 | 5,098 | Not applicable |
| Mountain Region | | | | | |
| Barstow Sanitary Landfill Barstow | 71,481,660 | 1,500 | 256 | 1,244 | 2071 |
| Victorville Sanitary Landfill Victorville | 81,510,000 | 3,000 | 1,009 | 1,991 | 2047 |
| Subtotal | 171,926,862 [128,945,147 tons] | 4,500 | 1,265 | 3,235 | Not applicable |
| North Desert Region | | | | | |
| Barstow Sanitary Landfill Barstow | 71,481,660 | 1,500 | 256 | 1,244 | 2071 |
| Victorville Sanitary Landfill Victorville | 81,510,000 | 3,000 | 1,009 | 1,991 | 2047 |
| Ft. Irwin Landfill ² Fort Irwin | 18,935,202 | 100 | 27 | 73 | 2045 |
| Subtotal | 171,926,862 [128,945,147 tons] | 4,600 | 1,292 | 3,308 | Not applicable |
| East Desert Region | | | | | |
| Landers Sanitary Landfill Landers | 13,983,500 [10,487,625 tons] | 1,200 | 177 | 1,023 | 2072 |
| Outside San Bernardino County | | | | | |
| El Sobrante Landfill Corona, Riverside County | 145,530,000 | 16,054 | 10,855 | 5,199 | 2045 |
| Azusa Land Reclamation Company Landfill Azusa, Los Angeles County | 51,512,201 | 8,000 | 1,410 | 6,590 | 2045 |
| Subtotal | 197,042,201 [147,781,651 tons] | 24,054 | 12,265 | 11,789 | Not applicable |
| TOTAL | | | | | |
| Total | 461,874,563 [346,405,922 tons] | 39,354 | 18,136 | 21,218 | Not applicable |

Sources: CalRecycle 2017b to CalRecycle 2017j.

¹ Average daily disposal is calculated based on 300 operating days per year. Each of the facilities is open six days per week, Monday through Saturday, except certain holidays. Note that this daily disposal rate is for incorporated and unincorporated areas.

² Ft. Irwin Landfill is on Fort Irwin National Training Center (U.S. Army) and is not open to the public.

(SB County, 2020b, Table 5.18-9)

3.0 Project Description

3.1 PROJECT LOCATION

Figure 2-1, Figure 2-2, and Figure 2-7 (previously presented) depict the location of the Annexation Area (also referred to herein as the “Project Site”). As shown, the 144.8-acre Annexation Area is located at the northern border of the City of Chino and is currently under the jurisdiction of San Bernardino County. The Project Site generally is located east of Norton Avenue, north and south of Francis Avenue, north and south of Philadelphia Street, and east and west of Yorba Avenue. The Project Site encompasses Assessor’s Parcel Numbers (APNs) 1013-211-(04-08, 10, 11, 18-22), 1013-221-(01-06, 09, 11-18), 1013-341-(03-07, 09-13), 1013-351-(16, 17, 20-23, 26-31, 40), 1013-361-(01-11, 14-21, 25), 1013-371-(03-22), 1013-411-(11, 14-18), 1013-421-(01, 04-13, 16, 18, 19), 1013-431-(01, 02, 06, 09-11), and 1016-121-(04-07). The Project Site is located in Section 34, Township 1 South, Range 8 West, and Section 3, Township 2 South, Range 8 West, San Bernardino Baseline and Meridian.

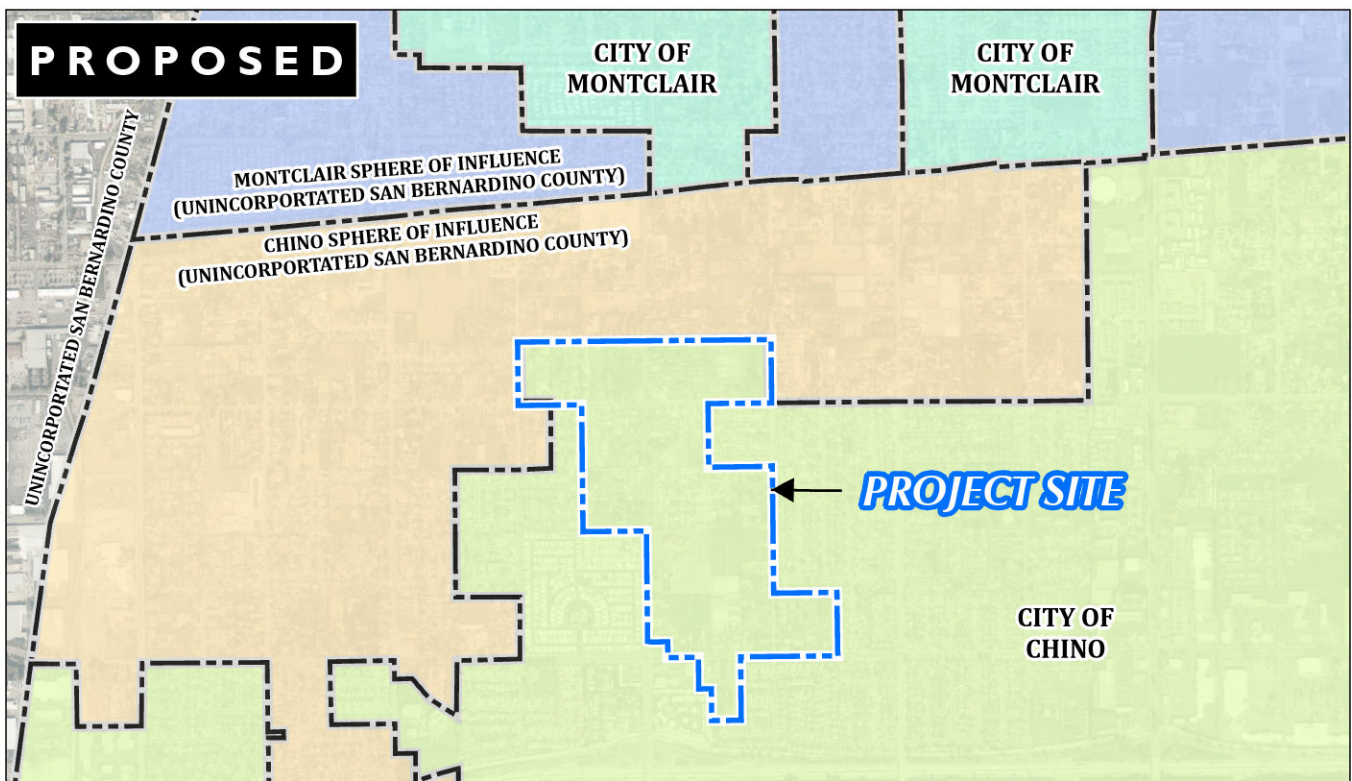
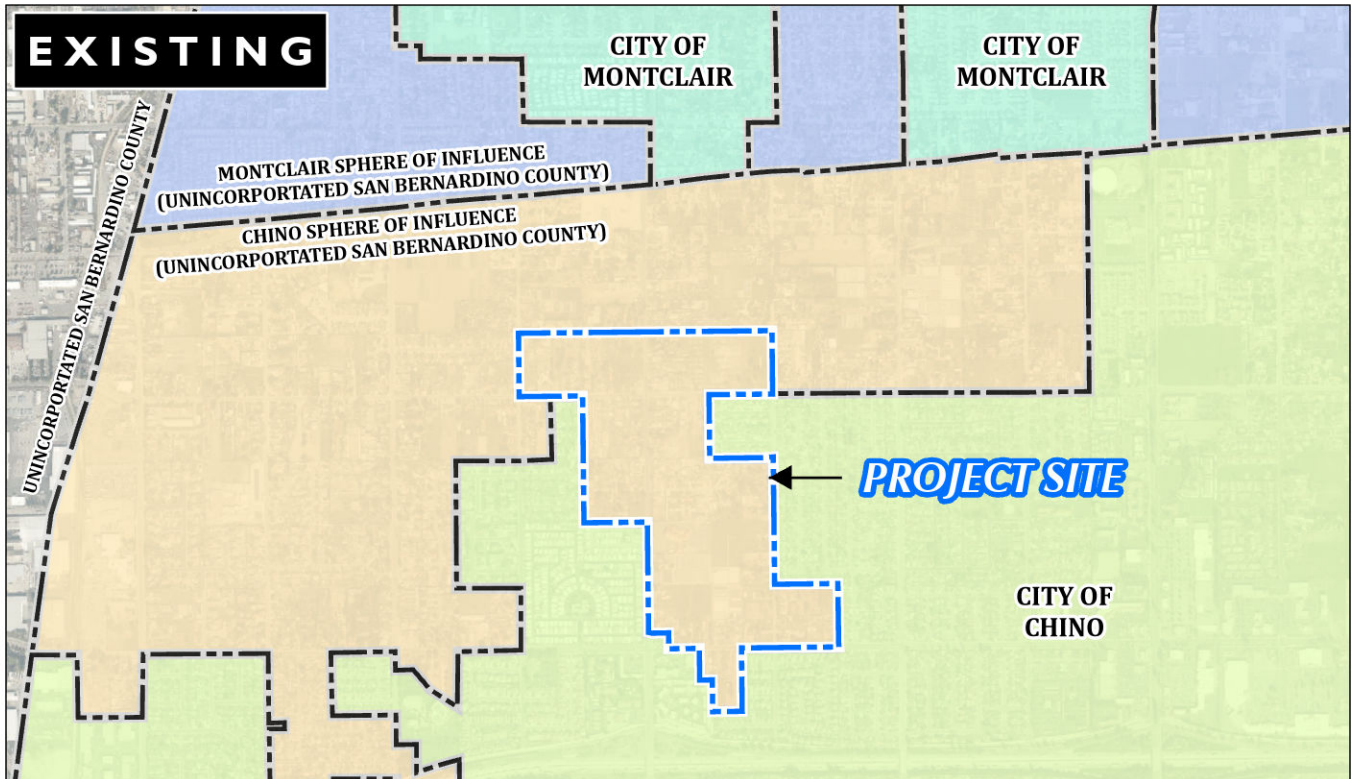
3.2 PROJECT DESCRIPTION

3.2.1 Project Purpose

The proposed Project evaluated herein would consist of the annexation of approximately 144.8 acres, which are currently under the jurisdiction of San Bernardino County, into the City of Chino boundaries. The proposed annexation would consolidate service areas and promote consistency with the City of Chino's Sphere of Influence (SOI) by redrawing City Limits in a more logical and consistent manner to include the Annexation Area. The new boundaries, as shown on Figure 3-1, *Existing and Proposed City of Chino Boundaries*, would accomplish these goals without any environmental impacts, and would eliminate the pockets of intermixed City and County serviced residences and uses under the current configuration.

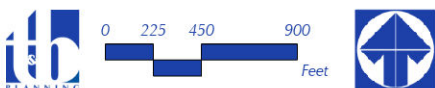
3.2.2 LAFCO Process

Annexation requests from local cities require approval by the Local Agency Formation Commission (LAFCO), which for the proposed Project is the San Bernardino County LAFCO. The process commences with the filing of applications by petition of affected landowners or registered voters, or by resolution from the involved city. Unless determined to be statutorily or categorically exempt from CEQA, LAFCO’s action is considered a “project” that is subject to CEQA review. Following CEQA review by the affected city, LAFCO will review the annexation application and determine that it is complete for processing. As part of the application process, the affected city is required to provide a plan for providing services, which must at a minimum address the type, level, range, timing, and financing of services to be extended, including requirements for infrastructure or other public facilities. Once the application has been accepted as complete, the LAFCO executive officer will issue a certificate of filing and set the proposal for LAFCO commission consideration within 90 days. During the application process, LAFCO will work with the City and affected agencies to analyze the proposed annexation in light of the commission’s State mandated evaluation criteria (as set forth in Government Code Section 56668) and responsibilities, and its own locally adopted policies and procedures. LAFCO may approve, conditionally approve, or deny proposed annexations. LAFCO cannot disapprove an annexation if it meets certain requirements (as set forth in Government Code Section 56375(a)(4)), including “island annexations” that are 150 acres or fewer in size (per Government Code Section 56375.3). Following approval of an annexation request, the local city is



Source(s): ESRI, Nearmap (2022)

Figure 3-1



Existing and Proposed
City of Chino Boundaries

prohibited from amending the adopted general plan land use designations or zoning classifications for a period of two years after the annexation’s effective date.

In conformance with the requirements of the San Bernardino County LAFCO, the City of Chino is currently considering adoption of a Resolution of Application to LAFCO formally requesting the annexation of the Annexation Area into the City’s boundaries. Additionally, and as required by State law for local agency initiation of annexation requests, the City of Chino also prepared a document titled, “Ramona Francis Annexation Plan for Service and Fiscal Impact Analysis, City of Chino” (hereinafter, “Plan for Service” or “PFS”), dated January 5, 2023, and appended to this EIR Addendum as *Technical Appendix A*. This EIR Addendum has been prepared in conformance with CEQA to evaluate the potential environmental effects of the proposed annexation Project. Following approval of the Resolution of Application by the City of Chino City Council, LAFCO would commence review of the City’s annexation application in accordance with the process outlined previously in Subsection 3.2.2, *LAFCO Process*. Following their review, the LAFCO commission may approve, conditionally approve, or deny the proposed annexation request.

3.2.3 Proposed Land Use Designations and Zoning Classifications

Table 3-1, *Existing and Proposed General Plan Land Use Designations and Zoning Classifications*, provides a summary of the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply within the Annexation Area and the City’s proposed General Plan land use designations and zoning classifications for the Annexation Area. The City is processing a General Plan Amendment in conjunction with the proposed annexation to establish the proposed General Plan land use designations presented in Table 3-1.

3.2.4 Future Land Use and Development

No plans for development of any property within the Annexation Area are proposed by the City as part of the Project. Pursuant to the City’s proposed pre-zoning for the Annexation Area and in consideration of the Yorba Villas project¹ which is unrelated to the City’s proposed annexation action but whose approval by the San Bernardino County Board of Supervisors would be honored by the City should the annexation be approved, future development within the Annexation Area could include a net total of 114 additional residential dwelling units. As reported by the Project’s PFS, the Project area is estimated to have 3.37 persons per household (pph), indicating that future growth within the Annexation Area is reasonably expected to result in a population increase of approximately 370 persons. The 114 additional residential dwelling units that could be built within the Annexation Area in the future also could be constructed under the existing San Bernardino County General Plan land use designations and zoning classifications, although it should be noted that several parcels within the Annexation

¹ The Yorba Villas project was approved by the San Bernardino County Board of Supervisors on October 4, 2022. The project provides for the development of 45 residential units, located on approximately 13.5 acres at the northwest corner of Yorba Avenue and Francis Avenue. An Environmental Impact Report (EIR) was prepared by San Bernardino County to evaluate the potential environmental effects directly and indirectly related to the development of the Yorba Villas project (State Clearinghouse No. 2020120545). The EIR for the Yorba Villas project concluded that implementation of the project would not result in significant impacts to the environment after application of the mitigation measures identified in the EIR. The EIR for the Yorba Villas project is herein incorporated by reference pursuant to CEQA Guidelines Section 15150.

Table 3-1 Existing and Proposed General Plan Land Use Designations and Zoning Classifications

| Assessor's Parcel Numbers | Existing County General Plan Land Use Designation | Existing County Zoning Classification | City of Chino General Plan Land Use Designation | Proposed City of Chino Zoning Classification |
|---|--|--|---|--|
| 1013-211-(04-08, 10, 11, 18-20), 1013-221-(01-06, 09, 11-18), 1013-341-(03-07, 09-13), 1013-351-(16, 17, 20-23, 26-31, 40), 1013-361-(01-11, 14-21, 25), & 1013-371-(10-22) | VLDR: Very Low Density Residential (0-2 du/ac max) | Residential Single, 1-acre Minimum Lot Size (RS-1) | RD 2 (1-2 du/ac) | RD 2 – Residential/Agricultural |
| 1013-211-21, 1013-211-22 | LDR Low Density Residential (2-5 du/ac max) | Residential Single (RS) | RD 4.5 (3-4.5 du/ac) | RD 4.5 - Residential |
| 1013-37-(03-09) | VLDR: Very Low Density Residential (0-2 du/ac max) | Residential Single, 20,000 s.f. Minimum Lot Sizes (RS-20M) | RD 2 (1-2 du/ac) | RD 2 – Residential/Agricultural |
| 1013-411-(11, 14-18) | LDR Low Density Residential (2-5 du/ac max) | Residential Single (RS) | RD 4.5 (3-4.5 du/ac) | RD 4.5 - Residential |
| 1013-421-(01, 04-08, 13, 16, 18, 19) & 1013-431-(01, 02, 06, 09-11) | VLDR: Very Low Density Residential (0-2 du/ac max) | Residential Single, 20,000 s.f. Minimum Lot Sizes (RS-20M) | RD 4.5 (3-4.5 du/ac) | RD 4.5 - Residential |
| 1013-421-(09-12) | VLDR: Very Low Density Residential (0-2 du/ac max) | Residential Single, 20,000 s.f. Minimum Lot Sizes (RS-20M) | Public | P - Public |
| 1016-121-(04-07) | LDR Low Density Residential (2-5 du/ac max) | Residential Single (RS) | RD 4.5 (3-4.5 du/ac) | RD 4.5 - Residential |

Area would be assigned residential density that slightly differs – either lower or higher – from existing San Bernardino County regulations (refer to Table 3-1). There are no components of the Project that would result in an increase of the total planned number of residential units within the Annexation Area, in aggregate, beyond the maximum total that is already allowed by existing San Bernardino County land use regulations. With consideration of the 117 existing dwelling units within the Annexation Area, future buildout of the Area under the City's proposed General Plan land use and zoning designations is expected to total 231 dwelling units with a population of 749 persons. (SRHA, 2023, p. 6)

3.2.5 Analysis Under CEQA

While the annexation and rezoning of the Project Site lays the foundation for future development, no development plans are proposed as part of the Project. In addition, the proposed Project would not allow for an increase in the total number of residential dwelling units within the Annexation Area that exceeds the total number of dwelling units allowed by the County's existing Countywide Plan land use designations and zoning classifications. Furthermore, the General Plan land use designations that would apply to the Annexation Area with approval of the Project are generally comparable to the land use designations assumed for the Annexation

Area by the GPU EIR. Accordingly, the analysis herein focuses on the physical changes to the environment, if any, that would result from the annexation of the Annexation Area into the City's boundaries.

Should discretionary development applications be filed with the City in the future for any parcel(s) within the Annexation Area, such site-specific applications would be subject to further CEQA compliance and would be evaluated based on the level of intensity and areas subject to impact as identified in the application(s). At that time, technical studies that evaluate the site-specific discretionary application(s) would be required by the City, including, but not necessarily limited to, the following: air quality impact analysis, general biological assessment, cultural resources (historical/ archaeological/paleontological), geotechnical report, greenhouse gas analysis, hydrology and water quality technical reports, noise impact analysis, vehicle miles traveled (VMT) assessment, etc. Any impacts and mitigation related to the site-specific applications' environmental impacts would be identified and mitigated as required per CEQA. The City would invite review and comments by the Regulatory Agencies and the public for all future development proposals, including landowners within and around the annexation boundary, as appropriate.

4.0 Initial Study Checklist

1. **Project Title:** Ramona Francis Annexation
2. **Lead Agency Name and Address:** City of Chino Development Services Department, Planning Division, 13220 Central Avenue, Chino, CA 91710.
3. **Contact Person and Phone Number:** Mike Hitz, Principal Planner, (909) 334-3448.
4. **Project Location:** Generally east of Norton Avenue, north and south of Francis Avenue, north and south of Philadelphia Street, and east and west of Yorba Avenue.
5. **Project Sponsor's Name and Address:** City of Chino Development Services Department, Planning Division, 13220 Central Avenue, Chino, CA 91710.
6. **General Plan Designation:** San Bernardino County: "VLDR: Very Low Density Residential (0-2 [dwelling units per acre (du/ac)] max)" and "LDR Low Density Residential (2-5 du/ac max)"; City of Chino: "RD 2 (1-2 du/ac)," "RD 4.5 (3-4.5 du/ac)," and "Public."
7. **Zoning:** San Bernardino County: "Single Residential (RS)," "Single Residential, 1-acre Minimum Lot Size (RS-1)," and "Single Residential, 20,000 s.f. Minimum Lot Sizes (RS-20M)"; City of Chino: Not Applicable.
8. **Description of the Project:** The Project consists of a proposal to annex into the boundaries of the City of Chino approximately 144.8 acres of land (herein, "Annexation Area" or "Project Site") that is currently under the jurisdiction of San Bernardino County. Refer to Section 3.0 for a complete description of the proposed Project.
9. **Surrounding Land Uses and Setting:** Mobile home park and low-density single-family residential units interspersed with vacant land to the west; low-density single-family residential units and agricultural uses to the north; low-density single-family residential units and medium density residential units to the east; and medium-density residential and multi-family residential uses to the south. Refer to Section 2.0 for a detailed description of the land uses and setting surrounding the Project Site.
10. **Other public agencies whose approval is required:** San Bernardino County Local Agency Formation Commission (LAFCO).

Environmental Factors Potentially Affected

The environmental factors checked below (☒) would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

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

Determination

On the basis of this initial evaluation:

A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS NOT PREPARED:

- ☐ 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 (EIR)** is required.

A PREVIOUS ENVIRONMENTAL IMPACT REPORT/NEGATIVE DECLARATION WAS PREPARED:

- ☐ I find that although the proposed project could have a significant effect on the environment, **NO NEW ENVIRONMENTAL DOCUMENTATION IS REQUIRED** because (a) all potentially significant effects of the proposed project have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, (b) all potentially significant effects of the proposed project have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, (c) the proposed project will not result in any new significant environmental effects not identified in the earlier EIR or Negative Declaration, (d) the proposed project will not substantially increase the severity of the environmental effects identified in the earlier EIR or Negative Declaration, (e) no considerably different mitigation measures have been identified and (f) no mitigation measures found infeasible have become feasible.
- ☒ I find that although all potentially significant effects have been adequately analyzed in an earlier EIR or Negative Declaration pursuant to applicable legal standards, some changes or additions are necessary but none of the conditions described in California Code of Regulations, Section 15162 exist. An **ADDENDUM** to a previously-certified EIR or Negative Declaration has been prepared and will be considered by the approving body or bodies.

- ☐ I find that at least one of the conditions described in California Code of Regulations, Section 15162 exist, but I further find that only minor additions or changes are necessary to make the previous EIR adequately apply to the project in the changed situation; therefore, a **SUPPLEMENT TO THE ENVIRONMENTAL IMPACT REPORT** is required that need only contain the information necessary to make the previous EIR adequate for the project as revised.
- ☐ I find that at least one of the following conditions described in California Code of Regulations, Section 15162, exist and a **SUBSEQUENT ENVIRONMENTAL IMPACT REPORT** is required: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any the following: (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR or negative declaration; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternatives; or, (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR or negative declaration would substantially reduce one or more significant effects of the project on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.


Signature

5-23-23
Date

Mike Hitz, Principal Planner
Printed Name

4.1 AESTHETICS

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|---|------------------------------|---------------------------|--|---|
| <i>Would the project:</i> | | | | |
| a. Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the Project have a substantial adverse effect on a scenic vista?

GPU EIR Finding: The EIR prepared for the General Plan Update and Focused Growth Plan (collectively referred to hereinafter as “General Plan Update” or “GPU”) found that impacts to scenic vistas would be less than significant assuming compliance with the goals and policies contained within the GPU Community Character Element, including, but not limited to, Policies P1 and P3 under Goal CC-2, Objective CC-2.1 (requiring the enforcement of property maintenance codes, abatement of graffiti, quality of in-fill development, rehabilitation of existing housing, replacement of deteriorated infrastructure, and the preservation, restoration, and enhancement of buildings with character), Policies P7 and P8 under Goal CC-3, Objective CC-3.2 (requiring quality architectural design and construction quality, and requiring that new infill development, secondary residential units, and multifamily housing must be consistent in scale and character with existing neighborhoods), and Goal CC-6 and Objective 6.1 (requiring new site development to support views of geographic and environmental features that make Chino unique). With these goals and policies, the GPU EIR concluded there would be a less-than-significant impact on scenic vistas.

No Substantial Change from Previous Analysis: As previously indicated on Figure 2-6, the Annexation Area comprises developed and disturbed lands, and does not contain any prominent scenic vistas under existing conditions. As indicated in Section 3.0, no development or construction plans are being processed as part of the proposed Project. Based on the analysis presented in the Project’s PFS (refer to *Technical Appendix A*), vacant

parcels within the Annexation Area ultimately could be developed with additional residential dwelling units. However, it is important to note that these vacant parcels were anticipated to be developed with additional dwelling units by the GPU as well as by the existing San Bernardino County General Plan (and evaluated by the respective EIRs for these planning documents). As with the project evaluated by the GPU EIR, future development proposals that may result from the proposed Project would be required to comply with the goals and policies contained within the GPU Community Character Element, including, but not limited to, Policies P1 and P3 under Goal CC-2, Objective CC-2.1; Policies P7 and P8 under Goal CC-3, Objective CC-3.2; and Goal CC-6 and Objective 6.1. Consistent with the conclusion reached by the GPU EIR, mandatory compliance with applicable goals and policies of the GPU would ensure that future development within the Annexation Area does not have a substantial adverse effect on a scenic vista. Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

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

GPU EIR Finding: The GPU EIR determined that there are no scenic highways in the City of Chino. Therefore, the GPU EIR concluded that impacts would be less than-significant.

No Substantial Change from Previous Analysis: Consistent with the findings of the GPU EIR, there are no scenic highways in the City of Chino. Additionally, the Annexation Area comprises developed and disturbed lands, and does not contain any prominent scenic resources, aside from common ornamental trees associated with existing residential developments. The existing ornamental trees do not comprise a scenic resource due to the abundance of such ornamental trees in the area, and the potential removal of individual trees, if proposed by landowners in the future, would not be visible from any State scenic highways. Accordingly, impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

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?

GPU EIR Finding: The GPU EIR determined that the introduction of new or redeveloped uses in existing community areas, and new development on currently vacant lands, might alter the visual character of Chino. However, the GPU EIR found that the proposed updates to the Subdivision and Zoning Ordinances would ensure that new development complements the existing aesthetic environment of the City and adjacent areas. In addition, the GPU EIR found that the goals and policies of the GPU encourage high quality design, including, but not limited to, Policies P1 and P3 under Goal CC-1 (requiring compliance with the design principles of the Community Character Element, and the provision of green spaces, such as community squares, parks, rooftop gardens, and plazas), Objective CC-2.1 (requiring the preservation and enhancement of the character of existing residential neighborhoods), and Policies P7 and P8 under Objective CC-3.2 (requiring quality architectural design and construction and requiring that new infill, secondary residential units, and multifamily housing must be consistent in scale and character with existing neighborhoods). The GPU EIR found that these various goals and policies would

reduce the potentially adverse city-wide impacts of new development allowed under the GPU to a less-than-significant level.

No Substantial Change from Previous Analysis: No changes to the City’s Zoning Code are proposed as part of the Project. As previously indicated on Figure 2-6, the Annexation Area comprises an “urban” environment due to the developed nature of on-site uses as well as uses in the immediately surrounding area; furthermore, the area encompassed by the Annexation Area was planned for residential development by the GPU. No development or construction plans are proposed as part of the Project. Any future proposals for development within the Annexation Area would be subject to compliance with all applicable requirements of the underlying zoning classifications, and may also require appropriate review for compliance with CEQA. There are no components of the proposed annexation that would result in a conflict with applicable zoning and other regulations governing scenic quality. As such, impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

d) Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

GPU EIR Finding: The GPU EIR determined that new development under the GPU has the potential to create additional light or glare. The GPU EIR noted that Policy P5 under Goal CC-1.1 in the Community Character Element calls for lighting on private and public property that minimizes light spillage to adjacent properties and the night sky. As a result, the GPU EIR found that there would be a less-than-significant impact due to light and glare with buildout of the GPU.

No Substantial Change from Previous Analysis: No development or construction plans are proposed as part of the Project. Any future proposals for development within the Annexation Area would be required to comply with the City’s Municipal Code, including Section 20.10.090 (Outdoor Lighting). Section 20.10.090 requires, among other items, that “No lighting on private property shall produce an illumination level greater than one foot candle on any property within a residential zoning district.” Additionally, all portions of the Annexation Area are and would continue to be designated for non-commercial and non-industrial land uses, which are not associated with the generation of substantial amounts of light or glare. Accordingly, the proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, and impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.2 AGRICULTURE AND FOREST RESOURCES

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|---------------------------|---|---|
| <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</i> | | | | |
| 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 nonagricultural 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 nonagricultural use?**

GPU EIR Finding: The GPU EIR found that implementation of the GPU would result in the conversion of agricultural areas into urban uses. However, the GPU EIR concluded that such impacts would be less than significant because the GPU: 1) did not convert lands that weren't already planned for such conversion; 2) proposed to convert lands that were unlikely to be used for agricultural uses; 3) would continue to allow for continued agricultural operations on certain properties; 4) relied on the less-than-significant conclusions and associated mitigation provided in the

East Chino Specific Plan EIR; and/or 5) included policies that would protect agricultural operations in certain areas of the City, including: Policies P1, P2, and P4 under the Open Space and Conservation Element Goal OSC-2, Objective OSC-2.1 (requiring the City to encourage the retention of small-scale agricultural operation and promote collaboration with farmers markets and school programs; requiring the City to work with the County to support agricultural uses in the City’s sphere of influence; and encouraging the City to recognize the potential role small farms play in education and agricultural tourism and provide for the inclusion of such activities through land use regulations); Policies P1, P2, and P3 (and associated Action A1) under Objective OSC 2.1 under Goal OSC-2 (requiring the City to: work with landowners to maintain existing Williamson Act contracts; to work with non-profit organizations to preserve agricultural land within the City; and to support private conservation organizations that utilize voluntary conservation easements as tools for agricultural conservation), Objective OSC-2.2 (promoting the preservation and protection of agricultural land within the City); and Policies P1 and P2 under Goal OSC-2, Objective OSC-2.3 (requiring new development adjacent to agricultural uses to provide buffer zones, and to require that agricultural uses shall be the primary uses within the Agriculture land use designation).

No Substantial Change from Previous Analysis: According to mapping information available from the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program (FMMP), a majority of the Annexation Area is identified as “Urban and Built-Up Land,” while the existing greenhouses in the southern portions of the Project area (east of Ramona Avenue and north of Philadelphia Street), as well as an existing property at the northwest corner of Francis Avenue and Ramona Avenue, are classified as containing “Unique Farmland” (CDC, n.d.). No development or construction plans are proposed as part of the Project, and any future development within the Annexation Area would be similar in nature to development that already is planned by the GPU (and allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the area). The proposed annexation would not convert lands to non-agricultural use that aren’t already planned for such conversion by the GPU and the Countywide Plan. Furthermore lands within the Annexation Area that aren’t already being used for agricultural purposes are unlikely to be used for agricultural uses in the future. Moreover, the proposed annexation would continue to allow for agricultural operations on properties where such uses already are occurring, and any future development within the Annexation Area would be required to comply with applicable GPU policies related to the protection of existing agricultural operations. These findings are consistent with the findings and conclusions reached by the GPU EIR. As such, impacts due to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

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

GPU EIR Finding: The GPU EIR found that the GPU would allow for the conversion of Williamson Act contract lands to urban uses. As noted in the GPU EIR, the majority of such conversions were previously evaluated as part of The Preserve Specific Plan EIR, which identified a significant and unavoidable impact. Additionally, the GPU EIR found that compliance with GPU policies, such as Policy P1 under GPU Objective OSC-2.3 (requiring new development adjacent to properties designated for agricultural uses to incorporate buffer zones), would reduce potential impacts to Williamson Act contract lands. However, the GPU EIR found that implementation of the GPU would allow for the conversion of two parcels located within an active Williamson Act contract that were not addressed as part of The Preserve Specific Plan EIR, and such potential conversion was identified as a new significant and

unavoidable impact of the GPU for which no mitigation was available, and a statement of overriding considerations was adopted. No impacts were identified in the GPU EIR associated with conflicts with existing zoning.

No Substantial Change from Previous Analysis: Under existing conditions, the Annexation Area is zoned by San Bernardino County for “Single Residential (RS),” “Single Residential, 1-acre Minimum Lot Size (RS-1),” and “Single Residential, 20,000 s.f. Minimum Lot Sizes (RS-20M)” uses. Lands within unincorporated San Bernardino County and that abut the Annexation Area also are classified as RS. The County’s RS zoning classification comprises a residential zone and is not an agricultural zoning classification. Lands within the City of Chino and that abut the Annexation Area are zoned by the City for “RD2 - Residential / Agricultural” and “RD4.5 – Residential.” The City’s RD2 zoning classification is intended to “...provide large lot residential development in a nonurbanized environment,” and allows agricultural uses only as an ancillary use (e.g., keeping of horses). The RD4.5 zoning classification is intended to “...encourage a predominately single-family suburban residential development similar to that found in many of the city’s existing residential tracts.” Thus, neither the RD2 or RD4.5 zoning classifications comprise primarily agricultural zoning classifications. Furthermore, future development within the Annexation Area would be subject to compliance with all applicable GPU goals and policies, including Policy P1 under GPU Objective OSC-2.3. In addition, the proposed Project would not allow any new development that isn’t already planned to occur by the GPU or allowed to occur based on the San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply within the Annexation Area under existing conditions. As such, the Project would not conflict with existing zoning for agricultural use, and impacts would be less than significant.

According to a listing of APNs that are subject to Williamson Act Contracts obtained from the San Bernardino County Assessor, none of the parcels within the Annexation Area are subject to a Williamson Act Contract. As such, the Project would not conflict with a Williamson Act Contract, and no impact would occur. (SB County Assessor, 2021)

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

c) Would the Project 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))?

GPU EIR Finding: Although the GPU EIR did not address this subject, the GPU EIR contained enough information about the City’s existing land uses, vegetation types, and zoning that with the exercise of reasonable diligence, information about the absence of forest land and forest land zoning on the property was readily available to the public. The GPU EIR did not evaluate impacts to forest land, timberland, or timberland zoned Timberland Production.

No Substantial Change from Previous Analysis: Parcels within and adjacent to the Annexation Area are currently zoned for residential uses by San Bernardino County and the City of Chino. There are no parcels within the Project vicinity that are zoned for forest land, timberland, or Timberland Production. Accordingly, the Project would not conflict with existing zoning for forest land, and no impact would occur. Therefore, the Project would not result

in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

d) Would the Project result in the loss of forest land or conversion of forest land to non-forest use?

GPU EIR Finding: Although the GPU EIR did not address this subject, the GPU EIR contained enough information about the property's existing land use, vegetation types, and zoning that with the exercise of reasonable diligence, information about the absence of forest land on the property was readily available to the public. The GPU EIR did not evaluate impacts to forest land or due to the conversion of forest land to non-forest use.

No Substantial Change from Previous Analysis: The Project Site occurs in a generally urbanized portion of San Bernardino County, with land uses consisting of large-lot residential and agricultural uses within the County and smaller lot residential and multi-family residential uses to the south within the City of Chino. There are no portions of the Project vicinity that comprise forest land. As such, the Project would not result in the loss of forest land or conversion of forest land to non-forest use, and no impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

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?

GPU EIR Finding: The GPU EIR did not identify any additional impacts involving changes to the existing environment, which, due to their location or nature, could result in the conversion of Farmland to non-agricultural use, other than the significant unavoidable impact described above under Threshold 4.2.b) to Williamson Act contract lands, that does not apply to the Project Site. The GPU EIR did not evaluate impacts due to the conversion of forest land to non-forest use.

No Substantial Change from Previous Analysis: The Project as evaluated herein consists of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be allowed with approval of the Project, and the land uses proposed for the Annexation Area are already allowed to occur based on the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications for the Area. While some lands within and surrounding portions of the Project Site are classified as containing Farmland, these areas already are designated by San Bernardino County for development with residential uses. Additionally, there are no forest lands within the Project vicinity. Consistent with the finding of the GPU EIR, the proposed annexation would not involve 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, and impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.3 AIR QUALITY

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|---------------------------|--|---|
| <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i> | | | | |
| a. Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the Project conflict with or obstruct implementation of the applicable air quality plan?

GPU EIR Finding: The GPU EIR determined that the land uses proposed as part of the GPU were inconsistent with the previous General Plan upon which the 2007 South Coast Air Quality Management Plan (SCAQMP) was based, and would therefore fail to conform to the planning assumptions included in the 2007 SCAQMP. The GPU's conflict with the 2007 SCAQMP was disclosed as a significant and unavoidable impact for which no mitigation was available and a statement of overriding considerations was adopted.

No Substantial Change from Previous Analysis: Since adoption of the GPU in 2010, the SCAQMD has undertaken two updates to the SCAQMP, with the most recent version having been adopted in 2017 (the "2016 SCAQMP"). The 2016 SCAQMP relies on the demographic growth forecasts for various socioeconomic categories developed by the Southern California Association of Governments (SCAG) as part of the 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) (SCAQMD, 2016, p. 3-17). The demographic growth forecasts included in the 2016 RTP/SCS are based on the land uses of the various general plans adopted by local cities and counties within the SCAG region (SCAG, 2016, p. 75). The proposed Project would involve the annexation of 144.8 acres into the City of Chino boundaries. The proposed City of Chino General Plan land use designations for the Annexation Area are similar to the existing San Bernardino County Countywide Plan land use designations that currently apply within the Annexation Area (refer to Table 3-1, previously presented). Thus, the proposed Project would not result in a substantial increase in future population beyond what is already assumed for the Annexation Area by the RTP/SCS, and there are no components of the proposed Project that would result in an increase in development beyond what is already allowed under existing conditions. Moreover, the future construction of up to 114 additional dwelling units within the Annexation Area is unlikely to exceed the air quality thresholds of significance established by the SCAQMD. As such, the proposed Project would not result in an increase in the

frequency or severity of existing air quality violations; cause or contribute to new violations; or delay the timely attainment of air quality standards or the interim emissions reductions specified in the 2016 SCAQMP. Accordingly, the Project would not conflict with or obstruct implementation of the 2016 SCAQMP, and impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

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?

GPU EIR Finding: The GPU EIR determined that future development allowed under the GPU have the potential to violate the 2007 SCAQMD air quality standards. Specifically, the GPU EIR found that emissions of PM₁₀, PM_{2.5}, and ozone precursors associated with future construction activities in the City would be less than significant due to mandatory compliance with SCAQMD requirements and GPU Objective AQ-1.3 (requiring the reduction of air pollution during construction and operations of a project). The GPU EIR also found that although future development projects within the City would be subject to the policies contained in the GPU to reduce air quality emissions, and also would be required to comply with applicable SCAQMD rules, regulations, and permitting processes, implementation of the GPU would result in increased operational-related vehicle miles travelled (VMT), which would result in increased emissions of criteria pollutants for which the region is non-attainment; operational emissions were disclosed as a significant and unavoidable impact of the GPU and a statement of overriding considerations was adopted.

No Substantial Change from Previous Analysis: The proposed Project occurs within the SCAB, which is designated as non-attainment under State standards for ozone (O₃; 1-hour and 8-hour standards), particulate matter smaller than 10 microns (PM₁₀), and particulate matter smaller than 2.5 microns (PM_{2.5}), and is designated non-attainment under federal standards for O₃ (8-hour only) and PM_{2.5} (SCAQMD, n.d.). As previously discussed in subsection 3.2.4, it is estimated that up to 114 additional new dwelling units could be constructed on existing vacant parcels within the Annexation Area. However, these 114 additional new dwelling units already could be developed within the Annexation Area under the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Area and, also, do not represent a substantial change in comparison to the land use vision planned by the GPU. Thus, there are no components of the proposed Project that would result in an increase in development intensity beyond what already is allowed on site under existing conditions. In addition, and consistent with the findings of the GPU EIR, potential future development within the Annexation Area would be subject to compliance with applicable SCAQMD requirements and GPU Objective AQ-1.3. Notwithstanding, and consistent with the conclusion reached by the GPU EIR, potential future development within the Annexation Area would result in an increase in the emissions of criteria pollutants, including pollutants for which the region is non-attainment (i.e., O₃, PM₁₀, and PM_{2.5}). As such, potential future development within the Annexation Area would contribute to the significant and unavoidable operational impacts to air quality as identified by the GPU EIR; however, because the Project would not allow for a substantial increase in development intensity within the Annexation Area, the proposed Project would not result in a substantial increase in impacts due to a conflict with the SCAQMP beyond what was already evaluated and disclosed by the GPU EIR. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or substantially increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

c) Would the Project expose sensitive receptors to substantial pollutant concentrations?

GPU EIR Finding: The GPU EIR found that implementation of the GPU would not result in the creation of any carbon monoxide “hot spots” and found that compliance with Policy P5 under Objective AQ-1.1 in the Air Quality Element (requiring the separation of sensitive land uses from significant sources of air pollutants, toxic air contaminants, or odor emissions) would reduce impacts associated with diesel particulate matter (DPM) to less than significant levels. Thus, the GPU EIR found that implementation of the GPU would result in less than significant impacts associated with the exposure of sensitive receptors to substantial pollutant concentrations.

No Substantial Change from Previous Analysis: The proposed Project evaluated herein would consist of the annexation of 144.8 acres into the City of Chino boundaries. No future development would be allowed with approval of the Project that isn’t already planned by the GPU or allowed to occur based on the Annexation Area’s existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications. As previously summarized in Table 3-1, with approval of the Project all of the parcels within the Annexation Area would be designated for RD2, RD4.5, or Public Facilities land uses. The residential uses allowed under the City’s RD2 and RD4.5 land use designations and the existing public facilities land uses (i.e., the existing mosque) are not associated with the generation of substantial pollutant concentrations, and are not associated with the generation of large truck traffic that could result in DPM emissions. Accordingly, the proposed Project would not expose sensitive receptors to substantial pollutant concentrations, and impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

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

GPU EIR Finding: The GPU EIR determined that the GPU did not propose any specific new sources of odor and that policies contained within the GPU would ensure that sensitive uses would be separated from odor generating land uses; thus, the GPU concluded that impacts due to objectionable odors affecting a substantial number of people would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project evaluated herein would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be allowed with approval of the Project. Additionally, all land uses allowed by the proposed Project are already planned by the GPU or allowed to occur based on the Annexation Area’s existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications. Potential future development within the Annexation Area would have the potential to result in air emissions leading to odors. Potential odor sources associated with future development within the Annexation Area may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities, and the temporary storage of typical solid waste (refuse) associated with the proposed Project’s long-term operational uses.

Potential future construction activities within the Annexation Area would be subject to standard construction requirements, including the use of low-VOC architectural coatings as required by SCAQMD Rule 113 (Architectural Coatings); compliance with low sulfur fuel requirements pursuant to SCAQMD Rule 431.2 (Low Sulfur Fuel); and compliance with SCAQMD Rule 402 (Nuisance), which requires that a person shall not discharge air contaminants

or other materials that would cause health or safety hazards to any considerable number of persons or the public. Compliance with these standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of construction and are thus considered less than significant.

Potential future development within the Annexation Area would consist of residential uses, which are not typically associated with emitting objectionable odors. It is expected that refuse generated by future development within the Annexation Area would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations. Potential future construction in the Annexation Area also would be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances.

Based on the foregoing analysis, and consistent with the findings of the GPU EIR, construction and operational odors associated with future development within the Annexation Area would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.4 BIOLOGICAL RESOURCES

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|---------------------------|--|---|
| <i>Would the project:</i> | | | | |
| 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) **Would the Project 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?**

GPU EIR Finding: The GPU EIR found that the GPU would have a less-than-significant impact to candidate, sensitive, and special status species because implementing projects within the City would be required to adhere

to federal and State regulations protecting such species in addition to General Plan goals, objectives, policies, and actions requiring avoidance, preservation, and/or mitigation for impacts where they would occur. Other impacts to such species already were addressed as part of certified EIRs or Resources Management Plans (RMP) associated with previously-approved developments (e.g., The Preserve Master Plan and Edgewater Communities project).

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries that is planned for residential development by both the GPU and the San Bernardino County Countywide Plan. No development or construction is proposed as part of the Project. Thus, the Project would not directly result in any impacts to sensitive or special-status plant or animal species. Consistent with the findings of the GPU EIR, any future development within the Annexation Area would be required to adhere to federal and State regulations protecting such species in addition to General Plan goals, objectives, policies, and actions requiring avoidance, preservation, and/or mitigation for impacts where they would occur. Mandatory compliance with federal, State, and local requirements and regulations would ensure that future development within the Annexation Area does not result in 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. Impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

b) Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

GPU EIR Finding: The GPU EIR determined that the GPU would limit development that may be located on or near riparian habitat or sensitive natural communities, which mostly occur within The Preserve and Rancho Miramonte (formerly known as Edgewater) communities. The GPU EIR found that development in The Preserve would be controlled by The Preserve Resource Management Plan, which includes regulations and mitigation measures to lessen the effect of development on riparian habitat and sensitive natural communities, while development within the Rancho Miramonte area would be subject to the mitigation measures contained in the Edgewater Communities EIR that address impacts to riparian habitat and sensitive natural communities. With adherence to General Plan Policies, the Resource Management Plan for The Preserve, and the mitigation measures contained in the Edgewater Communities EIR, the GPU EIR found that the GPU would have a less-than-significant impact on riparian habitat and sensitive natural communities.

No Substantial Change from Previous Analysis: Under existing conditions, the Annexation Area comprises a mixture of residentially-developed parcels, parcels subject to agricultural uses, vacant/disturbed parcels, and an existing mosque. Vegetation within the Annexation Area includes ornamental trees and landscaping, agricultural crops, and plant communities typically associated with disturbed sites. These plant communities do not comprise riparian habitat or sensitive natural communities. Furthermore, the proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries that is planned for residential land uses by the GPU and the Countywide Plan. No development or construction would occur as part of the Project. Thus, the Project would not directly result in any impacts to riparian habitat or other sensitive natural communities. Consistent with the findings of the GPU EIR, future development within the Annexation Area would be required to adhere to federal and State regulations protecting such species in addition to General Plan goals, objectives, policies, and

actions requiring avoidance, preservation, and/or mitigation for impacts where they would occur. Mandatory compliance with federal, State, and local requirements and regulations would ensure that future development within the Annexation Area does not result in a substantial adverse effect to riparian habitat or sensitive natural community. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

c) Would the Project 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?

GPU EIR Finding: The GPU EIR determined that existing wetlands are concentrated in the southern portions of the City, especially within The Preserve Specific Plan area. However, the GPU EIR also noted that moderate-sized to very small wetlands can be present or develop nearly anywhere there is sufficient water at or just below the ground surface. The GPU EIR found that implementation of the Proposed GPU's goals, objectives, policies, and actions; conditions associated with Section 404 permits and Section 401 water quality certifications; and additional mitigation protection of wetlands during construction activities would reduce potential impacts on federally-protected wetlands to a less-than-significant level. Additionally, with adherence to the Resource Management Plan covering The Preserve Specific Plan, the GPU EIR concluded that the GPU would have a less-than-significant impact on protected wetlands.

No Substantial Change from Previous Analysis: No wetlands are known to exist within the Annexation Area, as the majority of wetlands occur within the southern portion of the City, while the Annexation Area is located along the City's northern boundary. No development or construction is proposed as part of the Project. Thus, the Project would not directly result in any impacts to State- or federally-protected wetlands. Although development may occur within the Annexation Area in the future, such development would be similar to what is planned by the GPU and allowed by the Area's existing San Bernardino County Countywide Plan land use designations and San Bernardino zoning district classifications. Any future development within the Annexation Area that has the potential to impact jurisdictional waters or wetlands would be required to obtain appropriate permits from the U.S. Army Corps of Engineers, Santa Ana Regional Water Quality Control Board (RWQCB), and/or the California Department of Fish and Wildlife (CDFW) (Wildlife Agencies). As part of the required permits, impacts to jurisdictional waters or wetlands, if any, would be required to be mitigated to the satisfaction of the Wildlife Agencies. Accordingly, impacts to jurisdictional waters and wetlands associated with the proposed Project would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

d) Would the Project 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?

GPU EIR Finding: The GPU EIR determined that wildlife movement in Chino is generally constrained by traffic on major roadways such as Highway 71, Highway 60, Euclid Avenue, and Central Avenue. However, the GPU EIR noted that wildlife species travel between the Prado Basin, the open spaces in Chino Hills, the Santa Ana River watershed and the interior regions of Riverside and San Bernardino counties. Wildlife species use the open spaces in the southernmost portion of The Preserve to move between these areas. The GPU EIR found that the GPU would not

allow expanded development in this most southern portion of the City, allowing existing wildlife connections to remain. In addition, the GPU EIR found that the Resource Management Plan for The Preserve would require development to maintain an urban buffer or transition area in the southernmost portions of the development in The Preserve area, which would protect the open spaces to the south for use as wildlife habitat and for the movement of wildlife species. Lastly, the GPU EIR concluded that mandatory compliance with federal and State law would preclude substantial effects to nesting and migratory bird species. With adherence to the Resource Management Plan and applicable regulations, the GPU EIR concluded that the GPU would have a less-than-significant impact to the movement of wildlife species.

No Substantial Change from Previous Analysis: As previously shown on Figure 2-6, the Annexation Area occurs within a portion of San Bernardino County that is largely developed with medium-density residential, large-lot residential, public/community facilities (e.g., an existing mosque), and agricultural land uses, and areas within and surrounding the Annexation Area have been improved with roadways. As such, the Annexation Area does not contain any wildlife movement corridors under existing conditions. Additionally, the Annexation Area does not contain any streambeds or waterbodies that would support migratory fish species, and there are no native wildlife nursery sites within the Annexation Area. Moreover, and as noted by the GPU EIR, wildlife movement corridors are largely confined to the southern portions of the City, while the Annexation Area occurs along the City's northern boundary. Accordingly, the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, and impacts would be less than significant. Additionally, any future development within the Annexation Area would be required to comply with applicable federal and State regulations protecting nesting and migratory birds, which would ensure that substantial adverse effects to avian species do not occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

GPU EIR Finding: The GPU EIR determined that local policies and ordinances would be maintained with the implementation of the GPU, and that future development allowed by the GPU would be subject to these regulations. The GPU EIR also noted that the GPU is consistent with the Resource Management Plan for The Preserve. The GPU EIR cited the findings of the Edgewater Communities EIR, which identified a significant impact associated with conflicts with local policies and ordinances protecting biological resources, but determined that the provision of conservation easements and the management and maintenance of biological resources protected by these easements would reduce this impact to a less-than-significant level. Consequently, the GPU EIR concluded that the GPU would not result in any impacts due to a conflict with local policies or ordinances protecting biological resources, and impacts would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres that is planned for residential land uses by both the GPU and the San Bernardino County Countywide Plan into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. All future development within the Annexation Area would be required to comply with all applicable provisions of the City of Chino Municipal Code, including all ordinances adopted for the purpose of protecting biological resources. Additionally, the City of Chino would review future development applications within the

Annexation Area for compliance with all applicable GPU policies, including those that were adopted to protect biological resources. Accordingly, the Project would not conflict with any local policies or ordinances protecting biological resources, and no impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

f) Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

GPU EIR Finding: The GPU EIR determined that there are three plans related to biological resources in the Chino region. They are the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), the San Bernardino County Riparian Plan Conservation Ordinance, and The Preserve RMP. The GPU EIR noted that the City of Chino lies outside of the MSHCP plan area and thus the GPU would not conflict with the plan. As described by the GPU EIR, the San Bernardino County Riparian Plant Conservation Ordinance protects riparian habitat on private land within the unincorporated areas of San Bernardino County, including the Chino SOI. This ordinance prohibits the removal of any vegetation within two hundred feet of the bank of a stream or in an area indicated as a protected riparian area. The GPU EIR found that future development in Chino's SOI must comply with these regulations. The GPU EIR found that the RMP for The Preserve describes areas to be left as open space serving as buffers to other adjacent areas described for conservation. The GPU EIR also noted that the Edgewater Communities EIR found a potentially significant impact associated with conflicts with the RMP. However, the GPU EIR found that the GPU would not result in impacts beyond those analyzed in the Edgewater Communities EIR. The GPU EIR found that all other development under the GPU would be subject to and consistent with the regulations in these three documents. Therefore, the GPU EIR concluded that impacts associated with conflicts with regional conservation plans would be less than significant.

No Substantial Change from Previous Analysis: The Annexation Area occurs along the northern boundary of the City, and is not located within the purview of the Western Riverside County MSHCP, The Preserve RMP, or any other Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans. The proposed Project evaluated herein would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. Any future development in the Annexation Area would be consistent with what is already to occur based on the Site's existing land use designations in the GPU and the San Bernardino County Countywide Plan. Consistent with the findings of the GPU EIR, any future development within the Annexation Area would be required to comply with the San Bernardino County Riparian Plant Conservation Ordinance, if applicable. There are no components of the proposed Project that would result in a conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Accordingly, no impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.5 CULTURAL RESOURCES

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|---------------------------|--|---|
| <i>Would the project:</i> | | | | |
| a. Cause a substantial adverse change in the significance of a historical resource as defined in 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the Project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

GPU EIR Finding: The GPU EIR determined that the GPU would not, in and of itself, result in physical construction that could impact historical resources, and that future projects that would implement the GPU would be subject to site-specific studies and would be conditioned to protect historic resources. Additionally, the GPU EIR concluded that policies of the GPU also would protect historic resources, including Objective OSC-7.1 in the Open Space and Conservation Element and the Action measures associated with this objective (generally requiring the preservation and enhancement of historical, paleontological, and archaeological resources). As a result, the GPU EIR concluded that impacts to historical resources would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would occur in conjunction with the Project. Future development of residential land uses within the Annexation Area already is allowed to occur based on the Area's existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications, as well as the land use designations from the GPU. As documented in the Project's Cultural Resources Study ("CRS"; *Technical Appendix B*), the potential for historic resources such as structures, foundations, trash deposits, and other associated resources is high throughout the Annexation Area (BFSA, 2021, pp. 32, 36). Consistent with the findings of the GPU EIR, future development within the Annexation Area has the potential to result in the physical demolition, destruction, relocation, or alteration of potential historical resources that are 50 years old or older. Ground-disturbing activities such as grading, leveling and sub-grade excavation also have the potential to damage cultural resources such as standing structures. Given that there may be resources that are 50 years old or older, it is possible there are resources within the Annexation Area that are historically significant and eligible for the California Register of Historic Resources or the National Register of Historic Places. As future projects are proposed within the Annexation Area, they would be subject to applicable policies in the GPU related to the preservation of historic resources and, potentially, could be required to conduct site-specific evaluations to determine the level of significance of any potential impacts to historical

resources and implement mitigation measures as appropriate and necessary to reduce impacts to less-than-significant levels. Because there are no components of the proposed Project that would directly result in impacts to historical resources, impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

b) Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

GPU EIR Finding: The GPU EIR found that implementation of Objective OSC-7.1, Policy P3 of the GPU's Open Space and Conservation Element (requiring evaluation and appropriate treatment of any unknown archaeological or paleontological resources discovered during construction) and Objective OSC-7.1, Policy P4 (calling for the City to consult with the Native American community if Native American artifacts are discovered to ensure the respectful treatment of sacred places) would ensure that future developments within the City adequately protect known and previously undiscovered archaeological resources, thereby ensuring that impacts to archaeological resources would be less-than-significant.

No Substantial Change from Previous Analysis: The proposed Project evaluated herein would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur as part of the Project but development could occur in the future as the Annexation Area already is planned for residential land uses by the GPU and the San Bernardino County Countywide Plan. As documented in the Project's CRS (*Technical Appendix B*), the potential exists that prehistoric and historic resources exist within the Annexation Area. Many of the parcels within the Annexation Area appear to have only been subjected to minor surficial grading, which would limit the impacts to prehistoric resources, if any, within the subject property. Therefore, given the known distribution of prehistoric sites in the region, there is a potential for archaeological sites to be present within the former agricultural fields and below the current built environment within the Annexation Area. (BFS, 2021, p. 32) Consistent with the finding of the GPU EIR, future development within the Annexation Area may result in disturbances to unknown archeological resources that may be buried beneath the soil surface. However, future development within the Annexation Area would be subject to GPU Objective OSC-7.1, Policy P3, which requires that if unknown archaeological resources are discovered during construction, the Planning Division should be notified immediately and construction should stop until an archaeologist evaluates the discovered resources and recommends appropriate action. Consistent with the conclusion reached by the GPU EIR, this policy would ensure that impacts associated with the discovery of archaeological resources associated with future development within the Annexation Area would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

c) Would the Project disturb any human remains, including those interred outside of formal cemeteries?

GPU EIR Finding: The GPU EIR concluded that Policies P5 and P7 under Objective OSC-7.1 of the GPU's Open Space and Conservation Element (requiring appropriate treatment of human remains discovered during development projects and consultation with tribes pursuant to Senate Bill 18) would ensure that any human remains that may be discovered would be treated with respect and dignity per the regulations of the California Native American Graves Protection and Repatriation Act, thereby ensuring that impacts to human remains would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would result in the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur as part of the Project but development could occur in the future as the Annexation Area already is planned for residential land uses by the GPU and the San Bernardino County Countywide Plan. Although no human remains are known to occur in the Annexation Area, the remote potential exists that human remains may be unearthed during grading and excavation activities associated with future development or construction within the Annexation Area. If human remains are unearthed during potential future construction activities, the construction contractor would be required by law to comply with California Health and Safety Code Section 7050.5, "Disturbance of Human Remains." According to Section 7050.5(b) and (c), if human remains are discovered, the County Coroner must be contacted and if the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner is required to contact the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. With mandatory compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 et seq., potential future development within the Annexation Area would result in less-than-significant impacts to human remains. Accordingly, impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.6 ENERGY

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|---------------------------|--|---|
| <i>Would the project:</i> | | | | |
| a. Result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the Project result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

GPU EIR Finding: Although the GPU EIR did not address this subject, the GPU EIR contained enough information about the projected energy demand associated with the GPU that with the exercise of reasonable diligence, information about the level of energy consumption associated with the GPU was readily available to the public. Specifically, Subsection 4.3 (Air Quality and Greenhouse Gases) disclosed the amount of electricity and natural gas demand that would result from the GPU. The GPU EIR did not evaluate impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would be authorized with approval of the Project; however, the Annexation Area could be developed with residential land uses in the future as planned by the GPU, and as allowed by existing San Bernardino County land use regulations. Potential future construction activities within the Annexation Area would be subject to applicable State regulations designed to minimize air pollutants associated with construction activities, which in turn also serve to reduce energy consumption. For example, California Code of Regulations (CCR) Title 13, Motor Vehicles, section 2449(d)(3), Idling, limits idling times of construction vehicles to no more than five minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. Additionally, potential future development within the Annexation Area would be subject to the 2019 Title 24 Standards (or applicable Title 24 Standards in effect at the time of building permit issuance), which requires, among other things, contemporary design features such as photovoltaic systems or renewable energy for new homes. Notwithstanding, because the Project would not result in any new development that isn't already planned or permitted under existing conditions, there are no components of the proposed Project that would result in environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources. Impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

b) Would the Project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

GPU EIR Finding: Although the GPU EIR did not address this subject, the GPU EIR contained enough information about the projected energy demand associated with the GPU that with the exercise of reasonable diligence, information about the GPU's potential to conflict with or obstruct a state or local plan for renewable energy or energy efficiency was readily available to the public. The GPU EIR did not evaluate impacts due to conflicts with or obstructions of a State or local plan for renewable energy or energy efficiency.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project; however, residential land uses already are allowed within the Annexation Area by the Area's existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications and, also, are planned by the GPU. Future development within the Annexation Area would be subject to all applicable State and local policies, regulations, and plans related to energy or energy efficiency, and there are no components of the proposed Project that have the potential to conflict with such policies, regulations, or plans. No impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.7 GEOLOGY AND SOILS

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|---------------------------|--|---|
| <i>Would the project:</i> | | | | |
| a. Directly or indirectly cause 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2019), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) Would the Project directly or indirectly cause 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.
 - ii) Strong seismic ground shaking?
 - iii) Seismic-related ground failure, including liquefaction?
 - iv) Landslides?

GPU EIR Finding: The GPU EIR disclosed that while there are two active fault zones within the City of Chino, they are not defined as Alquist-Priolo earthquake fault zones and do not present a significant hazard to development from ground rupture. Thus, GPU EIR concluded that the risk of ground rupture due to the potential development allowed by the GPU would be less than significant.

The GPU EIR found that compliance with the California Building Code (CBC) and GPU objectives and policies related to ground shaking would ensure that impacts would be less than significant. The GPU objectives and policies relied upon in reaching this conclusion include Policy P1 under Safety Element Objective SAF-1.1 (requiring the enforcement of state building codes); Policy P2 under Objective SAF-1.1 (requiring the City to rely on the most up-to-date and comprehensive geologic hazard mapping available); Policy P3 under Objective SAF-1.1 (requiring the preparation of site-specific soil and geology reports for new developments); Safety Element Policy P1 under Objective SAF-6.1 (requiring City departments to conduct periodic trainings with staff on emergency operations based on the Emergency Operations Plan); Policy P2 under Objective SAF-6.1 (requiring the City to work with other agencies and businesses within the City to assist and support their disaster preparedness efforts); Policy P3 under Objective SAF-6.1 (requiring the City to regularly review the adequacy of its infrastructure for emergency preparedness); and Policy P5 under Objective SAF-6.1 (requiring the City to be involved with providing information to residents and businesses on emergency preparedness information, such as preparing emergency kits, developing a communications plan, implementing evacuation procedures, and updating emergency plans).

The GPU EIR determined that although soils in the City may be subject to the risk of liquefaction hazards, the City's development review procedures and compliance with the CBC and GPU objectives and policies that address liquefaction hazards would ensure that impacts due to liquefaction would be less than significant.

The GPU EIR concluded that the risk of landslides in the City is relatively low, since the City is generally level with very few areas of steep slopes. The areas that do have steeper slopes are not proposed for increased development as part of the GPU. As such, the GPU EIR disclosed that impacts due to landslides would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. Residential land uses are planned in the Area by the GPU (and already are allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Annexation Area). According to GPU EIR Figure 4.6-1, the Annexation Area occurs approximately 1.4 miles northeast of the Chino-Central Avenue Fault, indicating that there is a low potential for fault rupture hazards within the Annexation Area. In addition, the topography of the Annexation Area and lands surrounding it is generally characterized as relatively flat, with no prominent hill sides that could be subject to

landslide hazards. Furthermore, pursuant to GPU EIR Standard Condition of Approval 3.6, future applications for grading and building permits within the Annexation Area would require the preparation of site-specific soils reports, which would address site-specific conditions and identify recommendations to address any potential geological hazards involving strong seismic ground shaking and liquefaction. Mandatory compliance with the future-required soils reports would ensure that potential impacts to future development due to seismic ground shaking and liquefaction are reduced to less than significant levels. Accordingly, the proposed Project would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving rupture of an earthquake fault, strong seismic ground shaking, liquefaction, and landslides, and impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

b) Would the Project result in substantial soil erosion or the loss of topsoil?

GPU EIR Finding: The GPU EIR found that soils in the City are at a limited risk of erosion, and that implementation of the GPU would not alter conditions in such a way as to increase the likelihood of soil erosion. Although the GPU EIR noted that future development has the potential to increase erosion hazards, the City's standard conditions of approval require that on-site landscaping and irrigation construction drawings be submitted before the issuance of a building or grading permit, assuring that adequate drainage systems would be built to address drainage, water quality and soil erosion issues. Due to mandatory compliance with this condition of approval, the risks of soil erosion were determined to be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. Residential land uses are planned in the Area by the GPU (and already are allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply within the Annexation Area). As part of future development within the Annexation Area, project applicants would be required to comply with the National Pollutant Discharge Elimination System (NPDES) permit for construction activities. The NPDES permit is required for all projects that include construction activities, such as clearing, grading, and/or excavations that disturb at least one acre of total land area. Additionally, during future grading and other construction activities involving soil exposure of the transport of earth materials, Section 19.09.030 (Grading, Erosion, and Dust Control) of the City's Municipal Code would apply, which establishes, in part, requirements for the control of dust and erosion during construction, would apply to future development within the Annexation Area. As noted by the GPU EIR, such future development would require approval of landscaping and irrigation drawings to demonstrate that adequate drainage systems would be built to address potential erosion hazards. Requirements for the reduction of particulate matter in the air also would apply, pursuant to SCAQMD Rule 403. Mandatory compliance with the future-required NPDES permits and these regulatory requirements would ensure that water and wind erosion impacts during potential future construction activities within the Annexation Area would be less than significant.

Following construction activities, future development within the Annexation Area would result in impervious surfaces and landscaped areas, which would minimize the potential for soil erosion or the loss of topsoil. For areas not subject to development or landscaping, future development within the Annexation Area would not result in an increase in erosion hazards as compared to existing conditions.

Based on the foregoing analysis, the Project would not result in substantial soil erosion or the loss of topsoil, and impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- c) Would the Project 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?**

GPU EIR Finding: A summary of the GPU EIR’s conclusion related to liquefaction hazards is provided above under Threshold 4.7.a). The GPU EIR disclosed a possibility that soils in some parts of the City may subside in the future, but that the City’s groundwater production activities would reduce the potential for subsidence. Additionally, the GPU EIR noted that all new development would be required to comply with the City’s standard conditions of approval, which require a detailed soils report to investigate the adequacy of building engineering for the local soil conditions, including structural damage from land subsidence, prior to the issuance of a building or grading permit. The GPU EIR further identified policies in the General Plan that would help ensure ground stability impacts remain below a level of significance, including Policies P2 and P3 under GPU Safety Element Objective SAF-1.1, which require new development to adequately investigate all geological hazards including current and comprehensive geological hazard mapping. Finally, and as noted in the GPU EIR, mandatory compliance with State building codes, in conformance with GPU Safety Element Objective SAF-1.1, Policy P1, would ensure that adequate soil stability protections are included in new developments. As such, the GPU EIR concluded that impacts due to unstable geologic units or soils would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development would occur within the Annexation Area as part of the Project. Residential land uses are planned in the Area by the GPU (and already allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply within the Annexation Area). The topography of the Annexation Area and lands surrounding it is generally characterized as relatively flat, with no prominent hill sides that could be subject to landslide hazards. In addition, pursuant to GPU EIR Standard Condition of Approval 3.6, future applications for grading and building permits within the Annexation Area would require the preparation of site-specific soils reports, which would address site-specific conditions and identify recommendations to address any potential geological hazards involving lateral spreading, subsidence, liquefaction, or collapse. Mandatory compliance with required soils reports would ensure that impacts due to unstable geologic units would be reduced to less-than-significant levels for future development within the Annexation Area. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- d) Would the Project be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2019), creating substantial risks to life or property?**

GPU EIR Finding: The GPU EIR indicated that soils in the City are susceptible to expansion and compaction, but that new development would be required to comply with Standard Condition of Approval 3.6, which requires a detailed soils report to investigate the adequacy of building engineering for the local soil conditions, including structural damage from expansive soils prior to the issuance of a building or grading permit. The GPU EIR also

noted that Policies P2 and P3 under GPU Safety Element Objective SAF-1.1 require new development to adequately investigate all geological hazards including current and comprehensive geological hazard mapping. As concluded in the GPU EIR, compliance with building codes adopted by the State, as required by Safety Element Objective SAF-1.1, Policy P1, would require the incorporation of adequate design features to be included in all new development, thereby reducing the risks from expansive soil to less-than-significant levels.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. Residential land uses are planned in the Area by the GPU (and already are allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Annexation Area). According to GPU Figure 4.6-3 (Expansive Soils), all portions of the Annexation Area are mapped as having a “Low” shrink-swell potential, indicating that potential future development within the Annexation Area would not occur on expansive soils. Furthermore, pursuant to GPU EIR Standard Condition of Approval 3.6, future applications for grading and building permits within the Annexation Area would require the preparation of site-specific soils reports, which would address site-specific conditions and identify recommendations to address any potential hazards associated with expansive soils. Accordingly, the Project would not be located on expansive soil, as defined in Section 1803.5.3 of the California Building Code (2019), and would not create substantial risks to life or property due to expansive soils. Impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

e) Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

GPU EIR Finding: The GPU EIR indicated that the GPU requires all new development in the City to connect to the public wastewater collection system, as required by Policy P2 under GPU Public Facilities and Services Objective PFS-9.1. Consequently, the GPU EIR concluded that there would be a less-than-significant impact associated with soils that are inadequate to support the use of septic system.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. Residential land uses are planned in the Area by the GPU (and already are allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Annexation Area). All future development within the Annexation Area would be required to connect to the public wastewater collection system, pursuant to GPU Objective PFS-9.1, Policy P2. As such, there would be no new septic tanks or wastewater disposal systems allowed within the Annexation Area. Accordingly, no impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

f) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

GPU EIR Finding: The GPU EIR determined that Objective OSC-7.1, Policies P3 (requiring evaluation and appropriate treatment of any unknown archaeological or paleontological resources discovered during

construction) and P4 (calling for the City to consult with the Native American community if Native American artifacts are discovered to ensure the respectful treatment of sacred places) of the GPU's Open Space and Conservation Element would ensure that impacts to any known or previously undiscovered paleontological resources would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. Residential land uses are planned in the Area by the GPU (and already are allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Annexation Area). Notwithstanding, and consistent with the findings of the GPU EIR, future development within the Annexation Area has the potential result in impacts to previously unknown paleontological resources. However, future development would be subject to compliance with GPU Objective OSC-7.1, Policy P3. Policy P3 states that if unknown paleontological resources are discovered during construction, the Planning Division shall be notified immediately and construction shall stop until an archaeologist evaluates the discovered resources and recommends appropriate action. Additionally, future development also would be subject to compliance with Public Resources Code (PRC) Section 5097.5, which prohibits the removal, destruction, injury, and defacement of paleontological resources and features. Consistent with the conclusion reached by the GPU EIR, mandatory compliance with Policy P3, as well as the requirements of Public Resources Code Section 5097.5, would ensure that impacts to paleontological resources associated with future development within the Annexation Area would be reduced to less-than-significant levels. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.8 GREENHOUSE GAS EMISSIONS

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|---------------------------|--|---|
| <i>Would the project:</i> | | | | |
| 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| a. 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 type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

GPU EIR Finding: The GPU EIR included a discussion and analysis of potential impacts that may result from implementation of the GPU and concluded that although the GPU includes objectives, policies, and actions that would reduce greenhouse gas (GHG) emissions, implementation of the GPU would result in emissions that are greater than 85 percent of the existing GHG emissions. In order to mitigate GHGs to the maximum feasible extent, the GPU EIR included the following mitigation measure:

MM AQ-2 Objective OSC-5.1 Action A1 would be included in the Open Space and Conservation Element as follows:

"Adopt a Climate Action Plan within 18 months of adoption of this General Plan that demonstrates how the City will achieve the needed reductions of GHG emissions. The Climate Action Plan shall be developed in coordination with SANBAG and SCAQMD."

Even with implementation of the above-listed Action A1, impacts due to GHG emissions were disclosed in the GPU EIR as a significant and unavoidable impact of the GPU.

Following the City's approval of the GPU and certification of the GPU EIR, CREED initiated legal action against the City of Chino on the adequacy of the GPU EIR. The City and CREED entered into a Settlement and Release Agreement that stipulated, among other things, that the City prepare and approve, no later than December 31, 2013, a Long-Term Climate Action Plan (CAP) to address greenhouse emissions. The agreement also required the City to implement "Immediate Climate-Protection Actions" prior to the approval of any development projects and associated development agreements, which are not exempt from CEQA. The City of Chino adopted the 2013 CAP on November 19, 2013, which was superseded by the 2020-2030 CAP that was adopted on November 17, 2020.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. Based on the analysis presented in the Project's PFS (*Technical Appendix A*), the Annexation

Area ultimately could be developed with up to 114 additional residential dwelling units, which is the same total number of dwelling units allowed by the existing San Bernardino County Countywide Plan land use and San Bernardino County zoning district classifications that apply to the Annexation Area. Any future development within the Annexation Area would be subject to compliance with the City's CAP. The CAP incorporates a number of requirements intended to reduce the emissions of GHGs, including measures related to energy efficiency, lighting efficiency, solar energy, transportation, solid waste, wastewater, and water consumption, and identifies GHG performance standards for new development. The CAP indicates that with implementation of applicable CAP measures along with applicable Statewide and regional measures, the City would surpass its GHG reduction target of 46 percent below 2008 levels by 2030. Because future development within the Annexation Area would be subject to the City's CAP, and because the CAP demonstrates that the City would meet (and exceed) its GHG reduction targets by 2030, future development within the Annexation Area would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

b) Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

GPU EIR Finding: The GPU EIR did not identify any impacts due to a conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, although the GPU did acknowledge several provisions of the GPU that were proposed to address GHG emissions.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. Residential land uses are planned in the Area by the GPU (and already are allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply within the Annexation Area). All future development within the Annexation Area would be subject to compliance with all applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of GHGs, including, but not limited to, the City's CAP and applicable GPU policies related to GHG emissions and energy efficiency. As such, the proposed Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs, and no impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.9 HAZARDS AND HAZARDOUS MATERIALS

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|---|------------------------------|--------------------------|---|---|
| <i>Would the project:</i> | | | | |
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) **Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**
- b) **Would the Project 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?**

GPU EIR Finding: The GPU EIR disclosed that land uses allowed under the GPU could increase the amount of hazardous materials used and wastes generated, as well as the number of people and structures exposed to these and other hazards. However, the GPU included a number of goals and policies that would reduce the potential to expose the public to hazardous materials. These include GPU Safety Element Goal SAF-4 (requiring minimizing City residents' exposure to the harmful effects of hazardous materials and waste) along with the following policies under Goal SAF-4: Policy P2 (requiring investigation of sites for the presence of hazardous materials); Policy P3 (incorporating measures to ensure safe transport of hazardous materials); Policy P4 (requiring projects proposing to generate hazardous waste to prepare emergency response plans); Policy P6 (prohibiting the use of Perchloroethylene in new dry cleaning facilities); Policy P7 (requiring the use of clean technology for dry cleaners in mixed use developments); Policy P8 (directing the City to work with the San Bernardino County Fire Department Hazardous Materials Division to ensure compliance with applicable hazardous materials regulations and guidelines), and Policy P9 (directing the City to work with the San Bernardino County Fire Department Hazardous Materials Division to ensure Chino residents have convenient access to the disposal of household hazardous wastes). As concluded in the GPU EIR, with policy implementation, impacts associated with the routine transport, use, or disposal of hazardous materials would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. Residential land uses are planned in the Area by the GPU (and already are allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Annexation Area).

Future construction activities within the Annexation Area could, potentially, include heavy equipment (e.g., dozers, excavators, tractors), which likely would be fueled and maintained by petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which is considered hazardous if improperly stored or handled. In addition, materials such as paints, adhesives, solvents, and other substances typically used in building construction could be stored within the Annexation Area during potential, future construction activities. Improper use, storage, or transportation of hazardous materials can result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. This is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with potential, future development within the Annexation Area than would occur on any other similar construction site. Construction contractors would be required to comply with all applicable federal, State, and local laws and regulations regarding the transport, use, and storage of hazardous construction-related materials, including but not limited requirements imposed by the EPA, California Department of Toxic Substances Control (DTSC), the SCAQMD, Santa Ana RWQCB, and/or the San Bernardino Environmental Health Services (EHS). Because compliance with these regulatory requirements by construction contractors is mandatory, potential impacts due to hazardous materials used, transported, and/or stored during future construction activities within the Annexation Area would be less than significant.

Based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with residential dwelling units. Residential uses are not associated with the routine transport, use, or disposal of hazardous materials. Household and other goods used by residential homes and retail uses that contain toxic substances are usually low in concentration and small in amount; therefore, there is no significant risk to humans or the environment from the use of such household goods. Residents are required to dispose of household hazardous waste, including pesticides, batteries, old paint, solvents, used oil, antifreeze, and other chemicals, at a Household Hazardous Waste Collection Facility. Also, as of February 2006, fluorescent lamps, batteries, and mercury thermostats can no longer be disposed in the trash. Furthermore, the transport, use, and disposal of hazardous materials are fully regulated by the EPA, State, and/or San Bernardino County. As such, future development within the Annexation Area would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts would be less than significant.

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

c) Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

GPU EIR Finding: The GPU EIR disclosed that land uses allowed under the GPU could increase the amount of hazardous materials used and wastes generated, as well as the number of people and structures exposed to these and other hazards. However, the GPU included a number of goals and policies that would serve to reduce the potential to expose the public to hazardous materials. These include GPU Safety Element Goal SAF-4 (requiring minimizing City residents' exposure to the harmful effects of hazardous materials and waste), along with the following policies under Goal SAF-4: Policy P2 (requiring investigation of sites for the presence of hazardous materials); Policy P3 (incorporating measures to ensure safe transport of hazardous materials); Policy P4 (requiring projects proposing to generate hazardous waste to prepare emergency response plans); Policy P6 (prohibiting the use of Perchloroethylene in new dry cleaning facilities); Policy P7 (requiring the use of clean technology for dry cleaners in mixed use developments); Policy P8 (directing the City to work with the San Bernardino County Fire Department Hazardous Materials Division to ensure compliance with applicable hazardous materials regulations and guidelines), and Policy P9 (directing the City to work with the San Bernardino County Fire Department Hazardous Materials Division to ensure Chino residents have convenient access to the disposal of household hazardous wastes). As concluded in the GPU EIR, with policy implementation, impacts associated with the emission or handling of hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school would be less than significant.

No Substantial Change from Previous Analysis: There are no existing or planned school sites within 0.25-mile of the Annexation Area. The nearest schools are the E. J. Marshall Elementary School, located approximately 0.4-mile east of the Annexation Area, and the Ramona Junior High School, located approximately 0.4-mile to the south of the Annexation Area. Furthermore, and based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with dwelling units. As more fully discussed under the analysis of Thresholds 4.9.a and 4.9.b, residential uses are not associated with

hazardous emissions or the handling of hazardous or acutely hazardous materials, substances, or waste. Accordingly, no impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- d) Would the Project 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?**

GPU EIR Finding: The GPU EIR did not identify any impacts associated with locating projects on sites included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.7.

No Substantial Change from Previous Analysis: Based on a review of Cortese List Data Resources available from the California Environmental Protection Agency (CalEPA), none of the properties within the Annexation Area are included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Lists that were reviewed include the DTSC EnviroStor database (listing hazardous waste and substances sites); the State Water Board’s GeoTracker database (listing leaking underground storage tank sites); the Water Board’s list of solid waste disposal sites; list of “active” Water Board Cease and Desist Orders (CDO) and Cleanup and Abatement Orders (CAO); and DTSC’s list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code. (CalEPA, 2022) Accordingly, the Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment due to existing site contamination. No impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- 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?**

GPU EIR Finding: The GPU EIR determined that mandatory compliance with the Airport Comprehensive Land Use Plan and Chino Airport Master Plan would help to preclude safety hazards from airports. Additionally, the GPU EIR found that implementation of the goals and policies of the GPU would preclude significant safety hazards, including GPU Safety Element Goal SAF-5 (directing the City to minimize risks associated with the Chino Airport operations), Policy P1 under Goal SAF-5 (directing the City to ensure construction activities are consistent with the required setbacks and height restrictions for the Chino Airport), and Action A-1 under Goal SAF-5 (requiring updates to the Chino Airport Comprehensive Land Use Plan to reflect current regulations and approaches to land use regulation at the airport). The GPU EIR concluded that with policy implementation, the airport hazards impact of the GPU would be less than significant.

No Substantial Change from Previous Analysis: The only airports in the Project vicinity are the Chino Airport, which is located approximately 5.0 miles southeast of the Annexation Area, and the Ontario International Airport, which is located approximately 4.7 miles northeast of the Annexation Area.

In November 1991, the San Bernardino County Airport Land Use Commission (ALUC) adopted the Comprehensive Land Use Plan (CLUP) for the Chino Airport. The Chino Airport CLUP establishes three Safety Zones (Safety Zones

I, II, and III). the Annexation Area is located well to the northwest of the Safety Zones identified by the CLUP, indicating that the Annexation Area is not subject to hazards associated with airport operations. Additionally, according to Figure II-5 of the Chino Airport CLUP, the Annexation Area is located far to the northwest of the 65 dBA CNEL contour associated with the Chino Airport, indicating that the Annexation Area would not be subject to excessive noise associated with airport operations. (SB County, 1991, Figures II-5 and III-7)

The Ontario International Airport Land Use Compatibility Plan (ONT ALUCP) was adopted by Ontario City Council on April 19, 2011. According to ONT ALUCP Map 2-2 (Compatibility Policy Map: Safety Zones), the Annexation Area site is located well outside of the safety zones associated with the Ontario International Airport. According to ONT ALUCP Map 2-3 (Compatibility Policy Map: Noise Impact Zones), the Annexation Area site is located outside of the 60-65 dB CNEL contour for the Ontario International Airport, indicating that the Annexation Area would not be subject to excessive noise associated with operations at the Ontario International Airport. (Ontario, 2011, Maps 2-2 and 2-3)

Based on the forgoing analysis, the Project would not result in a safety hazard or excessive noise for people residing or working in the project area impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

f) Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

GPU EIR Finding: The GPU EIR did not identify any impacts associated with potential conflicts with adopted emergency response plans or emergency evacuation plans.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. Residential land uses are planned in the Area by the GPU (and already are allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Annexation Area). Under existing conditions, the Annexation Area does not contain any emergency facilities nor does it serve as an emergency evacuation route. All future development within the Annexation Area would be required to maintain adequate emergency access for emergency vehicles as required by standard City of Chino requirements. Furthermore, there are no components of the proposed Project that would result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. Because the Project would not interfere with an adopted emergency response or evacuation plan, impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

g) Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

GPU EIR Finding: The GPU EIR disclosed that adherence to GPU Goal SAF-3 (encouraging the protection of life and property from wildland fire hazards) and associated Policy P1 (requiring incorporation of measures to reduce wildland fire hazard threats) would provide protection from wildland fires. Additionally, the GPU EIR concluded

that the City is generally buffered from wildland fires due its flat topography and the limited amount of open space immediately surrounding the City, as well as the separation between the City and the Chino Hills provided by State Route 71. As such, the GPU EIR concluded that impacts due to wildland fire hazards would be less than significant.

No Substantial Change from Previous Analysis: As indicated on GPU EIR Figure 4.7-1 (Wildland Urban Interface Threat to Community), the Annexation Area is mapped as having “Little or no threat” due to wildland fire hazards. The nearest area identified as having a “Moderate threat” for wildland fire hazards occurs approximately 0.1-mile west of the northwestern boundary of the Annexation Area; however, the Annexation Area is separated from these lands by existing residential developments and improved roadways. Furthermore, and as documented by the GPU EIR, conditions of approval for new development include a number of actions to reduce fire danger to new structures and the community in general. Furthermore, the City of Chino enforces a Weed Abatement program to reduce fire hazards. Accordingly, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, and impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.10 HYDROLOGY AND WATER QUALITY

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|--------------------------|--|---|
| <i>Would the project:</i> | | | | |
| 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would 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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would create or contribute runoff water which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|---|------------------------------|--------------------------|--|---|
| g. In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

GPU EIR Finding: The GPU EIR disclosed that water quality could be impacted by the discharge of soils and other pollutants as a result of urban runoff and construction activities associated with future development allowed under the GPU. However, the GPU EIR notes that such future development would be subject to the City's standard conditions of approval, including requirements for the preparation of a Water Quality Management Plan (WQMP) that incorporates post-construction Best Management Practices (BMPs). Additionally, the GPU EIR notes that City Ordinance No. 94-01 calls for reduction of pollutants in all stormwater discharges. Furthermore, the GPU EIR indicates that future development in the City would be required to comply with applicable GPU policies related to runoff pollution, including Public Facilities and Services Element Objective PFS-10.1 (addressing the control of stormwater runoff to protect against flooding, account for future development, and address environmental concerns), and the following Policies under Objective PFS-10.1: Policy P1 (directing the City to maintain stormwater infrastructure in good conditions); Policy P2 (directing the City to review stormwater infrastructure in conformance with the Master Plans of Drainage); Policy P4 (requiring all drainage facilities to be consistent with State and federal requirements, including NPDES requirements); Policy P6 (directing the City to implement a local stormwater program in compliance with the City's NPDES permit); Policy P7 (directing the City to implement the City's Sewer System Management Plan to prevent sanitary sewer overflows from reaching local water bodies); and Action 1 (directing the City to update the Master Plan of Drainage when conditions warrant). Accordingly, the GPU EIR concludes that impacts due to violation of water quality standards or waste discharge requirements would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. Residential land uses are planned in the Area by the GPU and already are allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Annexation Area.

Consistent with the findings of the GPU EIR, future development within the Annexation Area would be required to comply with City Ordinance No. 94-01, which calls for a reduction of pollutants in all stormwater discharges. Additionally, any future development within the Annexation Area would be subject to compliance with applicable

GPU objectives and policies, including Policies P1, P2, P4, P6, and P7 as well as Action 1 under Objective PFS-10.1. Based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with residential dwelling units. In accordance with Ordinance No. 94-01 and applicable GPU objectives and policies, the City would review future applications for grading and building permits to ensure that appropriate measures have been incorporated to address pollutants in stormwater discharges. Additionally, and consistent with the finding of the GPU EIR, future development within the Annexation Area would be subject to the City's Standard Conditions of Approval related to drainage, which include the following:

- Prepare and submit a drainage study, including supporting hydraulic and hydrological data for approval. The study must identify the project's impact and all downstream drainage-mitigating measures, including, but not limited to, detention facilities.
- Prepare and submit a grading plan showing drainage routes and other pertinent information.
- Prepare and submit a WQMP to mitigate impacts to stormwater quality and quantity through the implementation of post-construction BMPs.

Accordingly, mandatory compliance with Ordinance No. 94-01, applicable GPU objectives and policies, and the City's Standard Conditions of Approval would ensure that the proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality, and impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

b) Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

GPU EIR Finding: The GPU EIR indicated that the Chino Basin Optimum Basin Management Program (OBMP) would guide Chino Groundwater Basin activities. The OBMP contains several elements designed to provide enhanced management of the local groundwater basin resource, including protection of water quality and the safe yield of the basin. Any impacts to the water quality associated with the GPU were determined to be mitigated by a combination of recharge and other groundwater management activities accomplished by the Chino Basin parties, including the City, and coordinated by the Watermaster. Therefore, the GPU EIR concluded that there would be a less-than-significant impact on groundwater quality and recharge.

No Substantial Change from Previous Analysis: The proposed Project would result in the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project, and no new groundwater wells are proposed. As such, the Project would not directly result in an increase in demand for groundwater resources, nor would the Project directly interfere substantially with groundwater recharge.

Water services are provided within the Annexation Area by the MVWD and the City of Chino. In fiscal year 2019-2020, MVWD obtained approximately 45% of its water from the Chino groundwater basin, while during the same

period the City of Chino obtained approximately 26% of its water from the Chino Groundwater Basin (MVWD, 2021, p. 6-3; Chino, 2021, p. 6-3).

Although potential, future development within the Annexation Area would indirectly be supplied with groundwater via the MVWD or City of Chino, the MVWD's and City of Chino's Urban Water Management Plans (UWMPs) forecasts water demands and supplies under normal, single-dry, and multiple-dry year conditions; assesses supply reliability; and describes methods of reducing demands under potential water shortages. The MVWD and City of Chino UWMPs are based, in part, on the land uses planned as part of the City's General Plan. As previously indicated in Table 3-1, the land use designations that would apply to the Annexation Area with approval of the Project would be substantially similar to the existing San Bernardino County General Plan land use designations and zoning classifications. Thus, the Project would not allow for an increase in land use intensity that could exceed the growth assumptions of the MVWD and City of Chino UWMPs. As such, and consistent with the findings of the GPU EIR, the proposed Project is fully accounted for by the MVWD or City of Chino UWMPs. Because the UWMPs demonstrate that the MVWD and City of Chino would have sufficient water supplies, including groundwater, to meet water demands within their respective districts through 2040, it can therefore be concluded that the demand for potable water associated with future development within the Annexation Area would not result in the depletion of groundwater supplies. As such, Project impacts to groundwater supplies would be less than significant.

According to mapping information available from the Santa Ana Watershed Project Authority (SAWPA), the Annexation Area occurs within the Chino North Groundwater Recharge Zone (SAWPA, n.d.). Based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with residential dwelling units. Thus, while future development within the Annexation Area would result in the introduction of impervious surfaces that would preclude groundwater recharge, future development would result in large lots that would continue to include pervious surfaces, similar to what occurs on the existing developed parcels within the Annexation Area. Furthermore, the Annexation Area is relatively small (144.8 acres) in relation to the total size of the Chino Groundwater Basin, and the majority of existing water sources is from direct precipitation, providing little opportunity to recharge under existing conditions. Any runoff that does not infiltrate into the groundwater table within the Annexation Area would be conveyed by existing storm drain facilities within the surrounding area to downstream facilities, including facilities downstream that would allow for groundwater infiltration (e.g., within the Prado Basin). As such, the Project would not substantially interfere with groundwater recharge such that the Project may impede sustainable groundwater management of the basin, and impacts would be less than significant.

Based on the preceding analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- c) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?**

GPU EIR Finding: The GPU EIR indicated that erosion or siltation hazards could occur from the discharge of soils and other pollutants as a result of urban runoff and construction activities associated with future development allowed under the GPU. However, the GPU EIR notes that such future development would be subject to the City's

standard conditions of approval, including requirements for the preparation of a drainage study and the preparation and review of grading plans showing drainage routes and other pertinent information. Furthermore, the GPU EIR indicates that future development in the City would be required to comply with applicable GPU policies related to erosion hazards, including Public Facilities and Services Element Objective PFS-10.1 (requiring the control of stormwater runoff to protect against flooding, account for future development, and address environmental concerns), and the following policies under Objective PFS-10.1: Policy P1 (directing the City to maintain stormwater infrastructure in good conditions); Policy P2 (directing the City to review stormwater infrastructure in conformance with the Master Plan of Drainage); Policy P4 (requiring all drainage facilities to be consistent with State and federal requirements, including NPDES requirements); Policy P6 (directing the City to implement a local stormwater program in compliance with the City's NPDES permit); Policy P7 (directing the City to implement the City's Sewer System Management Plan to prevent sanitary sewer overflows from reaching local water bodies); and Action 1 (directing the City to update the Master Plan of Drainage when conditions warrant). Accordingly, the GPU EIR concludes that impacts due to erosion or siltation hazards would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the proposed Project would not directly alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on or off site. Additionally, please also refer to the analysis of Threshold 4.7.b, which demonstrates that future development within the Annexation Area would not result in substantial erosion or siltation on site. Accordingly, impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- d) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?**
- e) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

GPU EIR Finding: The GPU EIR disclosed that alteration of the existing drainage patterns and/or increased rates of runoff could result from construction activities associated with future development allowed under the GPU, and that such future developments have the potential to exceed the capacity of existing or planned stormwater drainage systems. However, the GPU EIR notes that such future development would be subject to the City's standard conditions of approval, including requirements for the preparation of a drainage study and the preparation and review of grading plans showing drainage routes and other pertinent information. Additionally, the GPU EIR notes that Ordinance No. 94-01 of the City of Chino calls for reduction of pollutants in all stormwater discharges. Furthermore, the GPU EIR indicates that future development in the City would be required to comply with applicable GPU policies related to erosion hazards, including Public Facilities and Services Element Objective PFS-10.1 (requiring the control of stormwater runoff to protect against flooding, account for future development, and address environmental concerns), and the following policies under Objective PFS-10.1: Policy P1 (directing

the City to maintain stormwater infrastructure in good conditions); Policy P2 (directing the City to review stormwater infrastructure in conformance with the Master Plans of Drainage); Policy P4 (requiring all drainage facilities to be consistent with State and federal requirements, including NPDES requirements); Policy P6 (directing the City to implement a local stormwater program in compliance with the City's NPDES permit); Policy P7 (directing the City to implement the City's Sewer System Management Plan to prevent sanitary sewer overflows from reaching local water bodies); and Action 1 (directing the City to update the Master Plan of Drainage when conditions warrant). Accordingly, the GPU EIR indicates that alterations to the existing drainage patterns and/or increased rates of runoff associated with implementation of the GPU would not result in any new flood hazards, would not result in impacts due to increased runoff that exceeds the capacity of drainage systems, and would not result in new sources of polluted runoff. As such, the GPU EIR concluded that such impacts would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. Residential land uses are planned in the Area by the GPU (and already are allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Annexation Area). As such, the proposed Project would not directly alter the existing drainage pattern of the site or area in a manner which would result in flooding on or off site; result in runoff that would exceed the capacity of existing or planned drainage systems; or result in substantial additional sources of polluted runoff.

According to GPU EIR Figure 4.8-1 (FEMA Floodplains), the Annexation Area is located in an area that is outside the 500-year flood plain; thus, the Annexation Area is not subject to flood hazards under existing conditions. Consistent with the finding of the GPU EIR, future development within the Annexation Area would be subject to the City's Standard Conditions of Approval related to drainage, which could include the following:

- Prepare and submit a drainage study, including supporting hydraulic and hydrological data for approval. The study must identify the project's impact and all downstream drainage-mitigating measures, including, but not limited to, detention facilities.
- Prepare and submit a grading plan showing drainage routes and other pertinent information.
- Prepare and submit a WQMP to mitigate impacts to stormwater quality and quantity through the implementation of post-construction BMPs.

Compliance with the above-listed Standard Conditions of Approval would ensure that future development within the Annexation Area does not generate runoff in a manner that would exceed the capacity of existing or future drainage facilities, result in flooding, or result in substantial additional sources of polluted runoff.

Furthermore, and as noted by the GPU EIR, the GPU contains policies and actions to control runoff. Objective PFS-10.1 states that the City would control stormwater runoff. Policies P1 and P2 under this Objective call for stormwater runoff infrastructure to be maintained in good condition, as well as for stormwater runoff infrastructure to attain capacity that conforms with the requirements of the Master Plans of Drainage. To address potential erosion and runoff impacts from new storm drainage facilities, Objective PFS-10.1, Policy P6 calls for the City to implement a local stormwater program that achieves compliance with the provisions of the City's NPDES

permit for area-wide urban stormwater runoff (MS4 Permit). Also, Action A1 under this Objective calls for an update to the Master Plans of Drainage to reflect existing and future demand on stormwater runoff collection facilities. Consistent with the conclusion reached by the GPU EIR, implementation of the aforementioned policies and actions, along with the City's Standard Conditions of Approval, would ensure potential, future development within the Annexation Area would result in a less than significant impacts to drainage, including flooding.

Based on the foregoing analysis, the Project would not substantially alter the existing drainage pattern of the Annexation Area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site. Additionally, the Project would not result in runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- f) Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would create or contribute runoff water which would impede or redirect flood flows?**

GPU EIR Finding: The GPU EIR determined that the GPU did not propose housing or other urban structures within the 100-year flood hazard area. Since there would not be new development within the 100-year plain, the GPU EIR concluded there would be a less-than-significant impact related to structures placed within a 100-year floodplain. Additionally, the GPU EIR noted that the GPU includes goals and policies to reduce hazards related to flooding, including GPU Safety Element Goal SAF-2 (encouraging the reduction of hazards related to flooding and inundation), Objective SAF-2.1 (directing the City to minimize flood risks associated with development), and associated Policy P2 (preventing the construction of flood barriers within the 100-year flood zone which will divert flood water or increase flooding in other areas). Implementation of the GPU objectives and policies was found to further ensure that impacts associated with flood hazard areas would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would result in the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the Project has no potential to impede or redirect flood flows. Additionally, according to GPU EIR Figure 4.8-1 (FEMA Floodplains), the Annexation Area is located in an area that is outside the 500-year flood plain. As such, potential, future development within the Annexation Area also would not impede or redirect flood flows. No impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- g) In flood hazard, tsunami, or seiche zones, would the Project risk release of pollutants due to project inundation?**

GPU EIR Finding: The GPU EIR noted that the potential risk of seiche is low in the City Chino and the area is not at risk of tsunamis. As such, the GPU EIR concluded that there would be a less-than-significant impact related to seiches and tsunamis. Additionally, the GPU EIR noted that the GPU includes goals and policies to reduce hazards

related to flooding, including GPU Safety Element Goal SAF-2 (encouraging the reduction of hazards related to flooding and inundation), Objective SAF-2.1 (directing the City to minimize flood risks associated with development), and associated Policy P2 (preventing the construction of flood barriers within the 100-year flood zone which will divert flood water or increase flooding in other areas). Implementation of the GPU objectives and policies was found to further ensure that impacts associated with flood hazard areas would be less than significant.

No Substantial Change from Previous Analysis: The Annexation Area is located more than 30 miles from the Pacific Ocean, and is therefore not subject to inundation due to tsunamis. According to GPU EIR Figure 4.8-1 (FEMA Floodplains), the Annexation Area is located in an area that is outside the 500-year flood plain, indicating that the Annexation Area is not subject to inundation due to flood hazards. In addition, according to GPU EIR Figure 4.8-2 (566 Foot Prado Dam Inundation Area), the Annexation Area is located well outside of the inundation Area for the Prado Dam. As there are no other large bodies of water in the Project vicinity capable of producing a seiche that could result in inundation on site, the Annexation Area is not subject to inundation due to seiches. Accordingly, the Project would not risk release of pollutants due to project inundation due to flood hazards, tsunamis, or seiches, and no impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

h) Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

GPU EIR Finding: The GPU EIR did not identify any impacts due to a conflict with or obstruction of the implementation of a water quality control plan or sustainable groundwater management plan.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. Residential land uses are planned in the Area by the GPU (and already are allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Annexation Area). As such, the Project would not directly conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

The 2014 Sustainable Groundwater Management Act (SGMA) requires local public agencies and Groundwater Sustainability Agencies (GSAs) in “high-” and “medium”-priority basins to develop and implement Groundwater Sustainability Plans (GSPs) or Alternatives to GSPs. The California Department of Water Resources (DWR) currently categorizes the Chino and Cucamonga Groundwater Basins, which supply groundwater to the MVWD and the City of Chino, as “very low” priority. Further, Section 10720.8(a) of the SGMA exempts adjudicated basins from the SGMA’s requirement to prepare a GSP; the Chino and Cucamonga Groundwater Basins have been adjudicated. Therefore, preparation of Groundwater Sustainability Plans is not required and the Chino and Cucamonga Groundwater Basins are not subject to the requirements of the SGMA. As such, potential future development within the Annexation Area has no potential to conflict with a sustainable groundwater management plan, and no impact would occur.

The California Porter-Cologne Water Quality Control Act (Section 13000 (“Water Quality”) et seq., of the California Water Code), and the Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean

Water Act) require that comprehensive water quality control plans be developed for all waters within the State of California. The Project Site is located within the jurisdiction of the Santa Ana RWQCB. Water quality information for the Santa Ana River watershed is contained in the Santa Ana Basin Plan, as most recently updated in June 2019.

The Basin Plan describes actions by the RWQCB and others that are necessary to achieve and maintain the water quality standards. The RWQCB regulates waste discharges to minimize and control their effects on the quality of the region's groundwater and surface water. Permits are issued under several programs and authorities. The terms and conditions of these discharge permits are enforced through a variety of technical, administrative, and legal means. The RWQCB ensures compliance with the Santa Ana Basin Plan through its issuance of NPDES Permits, issuance of Waste Discharge Requirements (WDR), and Water Quality Certifications pursuant to Section 401 of the CWA. As discussed under Threshold 4.10.a, with adherence to State and local water quality regulations as well as applicable GPU objectives and policies, the potential for future development within the Annexation Area to generate pollutants and impact water quality during construction and operation would be less than significant. Future development within the Annexation Area would not degrade water quality, cause the receiving waters to exceed the water quality objectives, or impair the beneficial use of receiving waters. As such, the Project would not result in water quality impacts that would conflict with the Santa Ana Basin Plan.

Based on the foregoing analysis, the proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.11 LAND USE AND PLANNING

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|---------------------------|---|---|
| <i>Would the project:</i> | | | | |
| a. Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the Project physically divide an established community?

GPU EIR Finding: The GPU EIR noted that the GPU sets forth goals, objectives, policies, and actions intended to foster greater connectivity, particularly between the northern and southern portions of the City, and to prevent new development from dividing existing uses. Objective LU-1.2 in the Land Use Element was cited as a policy that seeks to create walkable neighborhoods that are cohesive and connected. Generally, the land use designations in the GPU were found to seek the creation of vibrant, cohesive communities. The GPU EIR concluded that implementation of these policies would ensure that new development would be compatible with and sensitive to the existing built environment, thereby resulting in a less-than-significant impact due to the physical division of established communities.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the Project has no potential to physically divide an established community.

Notwithstanding, residential and public land uses are planned for the Annexation Area by the GPU (comparable to the uses already allowed by the existing San Bernardino County Countywide Plan land use designations and zoning classifications that apply to the Annexation Area) and additional development could occur in the future. Future, potential development within the Annexation Area would occur on existing, legal parcels, and would consist of a continuation of the existing residential development pattern in the area. As such, future development within the Annexation Area would have no potential to physically divide an established community, and no impact would occur.

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

b) Would the Project 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?

GPU EIR Finding: The GPU EIR included an extensive discussion of proposed land use designation changes that were included in the GPU. Although the GPU EIR notes that continuation of existing uses and the development of new adjacent land uses could appear incompatible; however, the goals and policies in the GPU as well as the right-to-farm ordinance were found to minimize land use conflicts. The GPU EIR also indicates that new land use conflicts between industrial and residential developments would not occur because the GPU did not propose any new residential developments adjacent to industrial uses. Additionally, the GPU EIR discussed the GPU's potential to result in conflicts between land use plans. Other planning documents within the City were determined not to conflict with the GPU since these documents would be required to be updated to ensure consistency with the GPU. Due to policies included in the GPU that require appropriate transitions within the City's SOI, the GPU also was determined not to conflict with the San Bernardino County General Plan. The GPU EIR determined that the GPU would not result in a substantial conflict with the Chino Airport Master Plan. Finally, under GPU EIR Section 4.11, Population, Employment, and Housing, the GPU EIR concluded that although implementation of the GPU would result in more growth than previously projected in SCAG's regional growth projections, impacts would be less than significant because the City requires all new development to include adequate services and infrastructure and significant environmental impacts to be mitigated pursuant to the City's CEQA review of implementing projects. As such, the GPU EIR concluded that the GPU would have a less-than-significant impact due to conflicts with other planning documents.

No Substantial Change from Previous Analysis: The proposed Project would result in the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. All future development within the Annexation Area would be subject to compliance with applicable goals, objectives, and policies of the City of Chino General Plan, the City's zoning requirements, the City's Municipal Code requirements, and other applicable regulations (e.g., regulations promulgated by the SCAQMD) adopted for the purpose of avoiding or mitigating an environmental effect. There are no components of the proposed Project that would result in 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. No impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.12 MINERAL RESOURCES

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|---|------------------------------|--------------------------|---|---|
| <i>Would the project:</i> | | | | |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?

GPU EIR Finding: The GPU EIR determined that the only potentially significant mineral resources within the City are aggregate materials that may be found in the MRZ-3 zone, as delineated on GPU EIR Figure 4.6-4 (Mineral Resources Zones). However, the GPU EIR concluded that there is not sufficient information to determine whether such deposits are significant. Furthermore, the GPU EIR noted that future development allowed by the GPU would occur primarily on land that is currently developed. Moreover, policies included in the GPU were determined to protect mineral resources on land that was not already developed, including the following policies under Open Space and Conservation Objective OSC-3.1: Policy P1 (requiring the City to restrict uses adjacent to important sand and gravel resources to those compatible with mining operation); Policy P2 (requiring the reclamation of mined property to allow for reuse in conformance with the GPU land use designations and the requirements of the Surface Mining and Reclamation Act [SMARA]); and Policy P3 (directing the City to encourage the reuse and recycling of existing aggregate construction material). As such, the GPU EIR found that impacts due to the loss of availability of a known mineral resource would be less than significant.

No Substantial Change from Previous Analysis: According to mapping information available from the CDC, the Project Site is classified as Mineral Resources Zone (MRZ) 3, which includes “Areas containing mineral deposits the significance of which cannot be evaluated from available data” (CDC, n.d.). Furthermore, the Annexation Area predominately contains residential uses under existing conditions, which are not a compatible use with mining operations – and additional residential land uses are planned for the Annexation Area by the GPU (and by the existing San Bernardino County Countywide Plan). Accordingly, the Annexation Area does not contain any known mineral resource that would be of value to the region or the residents of the State, and future development within the Annexation Area would result in no impacts to mineral resources. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- b) **Would the Project 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?**

GPU EIR Finding: The GPU EIR did not identify any impacts associated with 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, except for the less-than-significant impact discussed above under Threshold 4.12.a.

No Substantial Change from Previous Analysis: As part of the Project, the Annexation Area would be designated by the City's General Plan for RD 2, RD 4.5, and Public uses (as previously summarized in Table 3-1), which do not allow for mining activities. The Annexation Area also is not located within a specific plan, nor is the Annexation Area identified as a locally-important mineral resource recovery site by any other land use plan. Accordingly, the Project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan, and no impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.13 NOISE

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|---|------------------------------|---------------------------|--|---|
| <i>Would the project result in:</i> | | | | |
| a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. For a project located within the vicinity of a private airstrip or an airport land use plan, or where such plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the Project 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?

GPU EIR Finding: The GPU EIR disclosed that residences and other noise-sensitive uses located adjacent to proposed development areas would be affected by construction noise. However, the GPU EIR notes that the GPU incorporates policies that address construction noise, including the following policies under Noise Element Objective N-1.3: Policy P1 (requiring a noise monitoring plan for all construction projects to identify appropriate noise control measures and monitoring); and Policy P2 (limiting construction hours within the vicinity of noise-sensitive land uses, and the incorporation of noise control measures to reduce construction noise impacts). The GPU EIR concluded that short-term noise impacts would be less than significant with implementation of applicable GPU policies.

The GPU EIR determined that traffic within the City poses the greatest potential for long-term ambient noise increases, although the GPU EIR notes that these increases would only range from a decrease of 0.4 dB to an increase of 0.8 dB, which would not be discernible by the average person. Additionally, the GPU EIR cites GPU policies that address ambient noise levels, including Policy P1 under Noise Element Objective N-1.2 (directing the City to minimize transportation noise through street and right-of-way design or route coordination) and Policy P6 under Noise Element Objective N-1.1 (directing the City to ensure evaluation of projects for compliance with the adopted noise standards or CEQA requirements). With implementation of these policies, the GPU EIR concludes that there would be a less-than-significant impact on permanent ambient noise levels.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur as part of the Project. As such, the proposed Project would not directly 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.

Notwithstanding, residential land uses are planned for the Annexation Area by the GPU and already allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Annexation Area, and additional residential development could occur in the future. Potential future construction activities within the Annexation Area would be subject to Noise Element Objective N-1.3: Policy P1 (requiring a noise monitoring plan for all construction projects to identify appropriate noise control measures and monitoring) and Policy P2 (limiting construction hours within the vicinity of noise-sensitive land uses, and the incorporation of noise control measures to reduce construction noise impacts). Consistent with the findings of the GPU EIR, short-term noise impacts associated with future development within the Annexation Area would be less than significant with implementation of these GPU policies.

Potential future residential development within the Annexation Area would not result in a substantial, permanent increase in ambient noise levels in the Project vicinity, as residential uses are not associated with the generation of substantial amounts of stationary noise. Additionally, the GPU EIR accounted for future development within the Annexation Area, including traffic that would be associated with the development of new residential dwelling units. As concluded by the GPU EIR, and subsequently re-affirmed by the conclusions in the EIR for the San Bernardino County Countywide Plan and Yorba Villas project, future development within the Annexation Area would not result in a substantial, permanent increase in local traffic-related noise. Additionally, the GPU EIR cites GPU policies that address ambient noise levels, including Policy P1 under Noise Element Objective N-1.2 (directing the City to minimize transportation noise through street and right-of-way design or route coordination) and Policy P6 under Noise Element Objective N-1.1 (directing the City to ensure evaluation of projects for compliance with the adopted noise standards or CEQA requirements). Accordingly, long-term noise impacts associated with potential future development within the Annexation Area would be less than significant.

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

b) Would the Project result in the generation of excessive groundborne vibration or groundborne noise levels?

GPU EIR Finding: The GPU EIR notes that development under the GPU with the potential to create excessive groundborne vibration or noise would be subject to environmental review. As indicated in the GPU EIR, GPU policies would serve to address such noise, including Policy P4 under Noise Element Objective N-1.2 (requiring mitigation of noise impacts for new roadway projects). With implementation of this policy, the GPU EIR concludes that impacts associated with groundborne vibration and noise would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would result in the annexation of 144.8 acres into the City of Chino boundaries. The Project does not include any new development or construction. As

such, the proposed Project would not directly result in the generation of excessive groundborne vibration or groundborne noise levels.

Notwithstanding, residential land uses are planned for the Annexation Area by the GPU and already allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply within the Annexation Area, and additional residential development could occur in the future. Based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with residential dwelling units. Construction equipment associated with potential future construction activities within the Annexation Area has the potential to result in groundborne vibration or noise. However, as the majority of future development would involve the construction of individual single-family homes, it is not anticipated that there would be a large number of construction vehicles on any site within the Annexation Area capable of producing sufficient groundborne vibration or noise levels that would affect sensitive receptors or cause damage to existing structures. Accordingly, vibration impacts associated with future construction activities within the Annexation Area would be less than significant.

Under long-term conditions, the single-family dwelling units that could be developed within the Annexation Area would not result in the generation of substantial numbers of large truck trips that could produce excessive groundborne vibration or ground-borne noise levels. Ground-borne vibration levels from automobile traffic are generally overshadowed by vibration generated by heavy trucks that roll over the same uneven roadway surfaces. However, due to the rapid drop-off rate of ground-borne vibration and the short duration of the associated events, vehicular traffic-induced ground-borne vibration is rarely perceptible beyond the roadway right-of-way, and rarely results in vibration levels that cause damage to buildings in the vicinity. Accordingly, and consistent with the findings of the GPU EIR, operational vibration impacts would be less than significant.

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- c) **For a project located within the vicinity of a private airstrip or an airport land use plan, or where such plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?**

GPU EIR Finding: The GPU EIR did not identify any impacts associated with excessive noise levels due to private airstrips. The GPU EIR determined that airport noise associated with the Chino Airport is not anticipated to expose any lands designated for residential use to noise levels in excess of 65 dB, and that buildout of the GPU would not expose residents to excessive noise associated with the LA/Ontario Airport (ONT). The GPU EIR concluded that since no residential or other noise-sensitive uses were proposed in areas subject to elevated aircraft noise in the GPU, there would be a less-than-significant impact with regard to airport noise.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the proposed Project would not directly expose people residing or working in the project area to excessive noise levels associated with airport operations.

As previously discussed under the analysis of Threshold 4.9.e, the only airports in the Project vicinity are the Chino Airport, which is located approximately 5.0 miles southeast of the Annexation Area, and the Ontario International Airport, which is located approximately 4.7 miles northeast of the Annexation Area. According to Figure II-5 of the Chino Airport CLUP, the Annexation Area is located far to the northwest of the 65 dBA CNEL contour associated with the Chino Airport (65 dBA CNEL is considered “acceptable” for residential land uses), indicating that potential future development within the Annexation Area would not be subject to excessive noise associated with airport operations (SB County, 1991, Figure II-5). According to ONT ALUCP Map 2-3 (Compatibility Policy Map: Noise Impact Zones), the Annexation Area is located outside of the 60-65 dB CNEL contour for the Ontario International Airport, indicating that potential future development within the Annexation Area would not be subject to excessive noise associated with operations at the Ontario International Airport (Ontario, 2011, Map 2-3). Accordingly, the proposed Project would not expose people residing or working in the project area to excessive noise levels, and impacts would be less than significant.

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.14 POPULATION AND HOUSING

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|---|------------------------------|--------------------------|--|---|
| <i>Would the project:</i> | | | | |
| a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) **Would the Project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

GPU EIR Finding: The GPU EIR found that implementation of the GPU would result in substantial population growth within the City, portions of which would result from additional commercial and industrial development in the City that would increase the number of available jobs. However, the GPU EIR noted that buildout of the GPU would not affect the ratio of jobs to housing within the City, and would therefore not create a disproportionate increase in jobs that could result in population growth. However, the GPU EIR concludes that although a substantial population increase would occur, the growth would be expected, would be planned for, and would not exceed available infrastructure or public services; as such, impacts were determined to be less than significant.

No Substantial Change from Previous Analysis: The proposed Project consist of the annexation of 144.8 acres into the City of Chino boundaries. As previously summarized in Table 3-1, the land use designations and zoning classifications proposed for the Annexation Area would be substantially similar to the existing San Bernardino County Countywide Plan land use designations and zoning district classifications that apply to the Area, and would allow up to 114 new residential dwelling units to be built within the Annexation Area in the future. As such, the proposed Project would not result in an increase in total development intensity within the Annexation Area as compared to what is allowed to be developed under existing land use regulations that apply to the Area. Accordingly, the Project has no potential to induce substantial population growth within the Annexation Area, either directly or indirectly, and no impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- b) **Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

GPU EIR Finding: The GPU EIR determined that the GPU would not result in the elimination of existing people or housing, and would therefore not require the construction of replacement housing. Impacts were found to be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the proposed Project would not result in the removal of any existing homes or displacement of existing residents. Notwithstanding, residential land uses are planned for the Annexation Area by the GPU and already allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply within the Annexation Area, and additional residential development could occur in the future. Based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with up to 114 additional residential dwelling units, which would result in an increase in the City's housing stock. Additionally, potential future development within the Annexation Area is anticipated to occur on vacant parcels, and therefore would not displace substantial people or housing. Accordingly, the proposed Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere, and no impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.15 PUBLIC SERVICES

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|---|------------------------------|--------------------------|---|---|
| a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| i) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| v) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) **Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?**

GPU EIR Finding: The GPU EIR noted that the CVFD has sufficient existing or already planned facilities to accommodate planned growth within the City. In addition, the GPU EIR identified a goal to provide excellent fire protection and emergency response services (Goal PFS-1) and adopted policies within the GPU that would ensure adequate provision of fire protection facilities in the City, including Policies P4 and P5 under Objective PFS-1.1 (directing the City to support and implement the CVFD's Master Plan and requiring a development impact fee for fire facilities); and Policy P4 under Public Facilities and Services Element Objective PFS-1.2 (requiring that the CVFD plan fire station locations to maintain or enhance current response levels). The GPU EIR concludes that implementation of the GPU would have a less-than-significant impact from the provision of new fire protection facilities.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. As such, the Project would not directly result in an increase in demand for fire protection facilities or services. Notwithstanding, residential land uses are planned for the Annexation Area by the GPU, and already allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply within the Annexation Area, and additional residential development could occur in the future. Based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with up to 114 additional residential dwelling units. The future construction of 114 additional dwelling units would not by itself result in the need for new or expanded fire protection facilities because the expected growth within the Annexation Area is anticipated

to occur gradually over a period of approximately 20 years and the CVFD is expected to be able accommodate the increased demand as it arises. Additionally, pursuant to Chapter 3.40 (Development Impact Fees) of the City's Municipal Code, each of these dwelling units would be subject to the City's Development Impact Fee (DIF), portions of which are used to provide funding for fire suppression facilities, vehicles, and equipment. Payment of DIF fees would offset the incremental increase in demand for fire protection services and facilities associated with future development within the Annexation Area. When combined with implementation of applicable GPU policies related to fire protection facilities and services, impacts associated with future development within the Annexation Area would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- b) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?**

GPU EIR Finding: The GPU EIR found that implementation of the GPU would result in a need for up to 60 additional police officers by 2025, which would be accommodated by a new facility planned at the former Home Depot site, which is now constructed, and/or a new satellite station that may be located in The Preserve Specific Plan area. The GPU EIR also cites GPU policies that would ensure the adequate provision of law enforcement facilities, including Policy P1 under Public Facilities and Services Element Objective PFS-2.1 (directing the City to maintain adequate police staffing, performance levels, and facilities), and Policy P3 under Public Facilities and Services Element Objective PFS-2.2 (requiring a development impact fee for new development for the provision of police services and facilities). The GPU EIR concludes that implementation of the GPU would result in a less-than-significant impact from the provision of new police facilities.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No development or construction would occur within the Annexation Area as part of the Project. As such, the Project would not directly result in an increase in demand for police protection facilities or services. Notwithstanding, residential land uses are planned for the Annexation Area by the GPU, and already allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply within the Annexation Area, and additional residential development could occur in the future. Based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with up to 114 additional residential dwelling units. The future construction of 114 additional dwelling units would not by itself result in the need for new or expanded police protection facilities because the expected growth within the Annexation Area is anticipated to occur gradually over a period of approximately 20 years and the Police Department is expected to be able accommodate the increased demand as it arises. Additionally, pursuant to Chapter 3.40 (Development Impact Fees) of the City's Municipal Code, each of these dwelling units would be subject to the City's DIF, portions of which are used to provide funding for law enforcement facilities, vehicles, and equipment. Payment of DIF fees would offset incremental increase in demand for police protection services and facilities associated with future development within the Annexation Area. When combined with implementation of applicable GPU policies related to police protection facilities and services, impacts associated with future development within the Annexation Area would be less than significant. Therefore, the Project would not result in any new significant

impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- c) **Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?**

GPU EIR Finding: The GPU EIR indicated that the design capacity of schools serving the City would be 16,701 students with buildout of the K-7 school in The Preserve Specific Plan, which would be more than adequate to handle students that would be generated under buildout of the GPU. The GPU EIR also cites a number of GPU policies that would ensure the adequate provision of school facilities, including Public Facilities and Services Element Goal PFS-3 (directing the City to provide the highest possible level of educational services and facilities to serve new and existing development); Policies P1 and P2 under Public Facilities and Services Element Objective PFS-3.1 (requiring coordination with the CVUSD to provide sufficient educational facilities, requiring concurrency between new development and the provision of school services, and directing the City to assist the CVUSD in implementing the Facilities Master Plan); and Public Facilities and Services Element Objective PFS-3.2, Policy P2 (requiring the reservation of land for new schools or the collection of school impact fees in accordance with State Law). The GPU EIR concludes that there would be a less-than-significant impact associated with the provision of school facilities.

No Substantial Change from Previous Analysis: The Annexation Area is located within the boundaries of the CVUSD. The nearest schools to the Annexation Area are: E. J. Marshall Elementary School, located approximately 0.4-mile east of the Annexation Area; Ramona Junior High School, located approximately 0.4-mile south of the Annexation Area; and Don Antonio Lugo High School, located approximately 1.5 miles southwest of the Annexation Area. The proposed Project evaluated herein would consist of the annexation of 144.8 acres into the City of Chino boundaries; the Project would not alter any school district boundaries or enrollment boundaries for individual schools. No new development or construction would be authorized with approval of the Project. As such, the Project would not directly result in an increase in demand for school services or facilities.

Notwithstanding, residential land uses are planned for the Annexation Area by the GPU, and already allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply within the Annexation Area, and additional residential development could occur in the future. Based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with up to 114 additional residential dwelling units. The potential future construction of 114 additional dwelling units would not by itself result in the need for new or expanded school services or facilities – especially considering this growth is expected to occur gradually over a period of approximately 20 years, but could incrementally contribute to the ultimate need for new or expanded school facilities within the CVUSD area. However, potential future development within the Annexation Area and all other cumulative developments within the CVUSD service area would be required to contribute school impact fees pursuant to Government Code Section 65995-6. Pursuant to Section 65995(3)(h) of the California Government Code, the payment of statutory fees is “deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on

the provision of adequate school facilities.” Therefore, mandatory payment of school impact fees would ensure that the potential cumulatively-considerable impacts to school facilities and services associated with future development within the Annexation Area would be less than significant.

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- d) **Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?**

GPU EIR Finding: The GPU EIR found that buildout of the GPU would require between 368-375 acres of total parkland to meet future population demands, while only 339-345 acres were accommodated under the GPU. However, GPU EIR indicated that the projected deficiency would be accommodated through leasing land in the Prado Basin for a park, along with leasing land from the ACOE for wilderness parks, trails, and habitat restoration. In addition, the GPU EIR identified GPU policies that would address the need for additional parks and recreational facilities, including Policy 1 under Parks and Recreation Element Objective PR-1.1 (requiring the City to achieve and maintain a standard of 3 acres of parks per 1,000 Chino residents, and specifying the types of park facilities that may be accounted as part of the City’s park acreage totals). As such, the GPU EIR concludes that there would be a less-than-significant impact from the provision of parks and recreation facilities.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. Additionally, no parks or recreational facilities are proposed as part of the Project. As such, the Project would not directly result in an increase in demand for park facilities and would not result in any impacts due to the construction of recreational facilities.

Notwithstanding, residential land uses are planned for the Annexation Area by the GPU, and already allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply within the Annexation Area, and additional residential development could occur in the future. Based on the analysis presented in the Project’s PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with up to 114 additional residential dwelling units, which, if developed, would increase the City’s population by approximately 370 persons (SRHA, 2023, p. 4). Based on the City’s park standard of 3 acres of parkland per 1,000 residents, future development within the Annexation Area could result in a demand for approximately 1.11 acres of additional parkland in the City over the approximately 20-year development horizon for the Annexation Area (370 residents x 3 acres/1,000 residents = 1.11 acres). Pursuant to Chapter 3.40 (Development Impact Fees) of the City’s Municipal Code, each of these dwelling units would be subject to the City’s DIF, portions of which are used to provide funding for public use facilities, including recreational facilities. With mandatory payment of fees, combined with implementation of applicable GPU policies, impacts to parks associated with future development within the Annexation Area would be less than significant.

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- e) **Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, need for new or physically altered library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?**

GPU EIR Finding: The GPU EIR evaluated potential impacts associated with the provision of library facilities in the City. The GPU EIR identified a future demand of between 49,059 s.f. and 50,054 s.f. of library space in the City by 2025 to meet the future population demand. The GPU EIR notes that this demand would be met through collection of Development Impact Fees that would be used to fund the expansion of the current library or to develop additional branch library to meet this demand. The GPU EIR also cites General Plan policies that would assure the adequate provision of library facilities within the City, including Public Facilities and Services Objective PFS-6.2 (requiring the provision of sufficient library services in the City of Chino), and associated Policies P1 and P2 (directing the City to work with the County to expand library services, establishing a ratio of 0.5 square feet of library space per resident, and requiring a development impact fee for new residential development in support of new library services and facilities). Although additional facilities would be needed to meet future population projections under the GPU, the GPU EIR indicates that potential environmental impacts from such additional facilities would be analyzed under separate environmental review when the specific goal and scale of the facilities is known. As a result, the GPU EIR concludes that impacts to library facilities would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the Project would not directly result in an increase in library facilities or services. Notwithstanding, residential land uses are planned for the Annexation Area by the GPU, and already allowed by the existing San Bernardino County Countywide Plan land use designations and zoning district classifications that apply within the Annexation Area, and additional residential development could occur in the future. Based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with up to 114 additional residential dwelling units. The future construction of 114 additional dwelling units would not by itself result in the need for new or expanded library facilities. If developed, the 114 additional residential dwelling units would increase the City's population by approximately 370 persons (SRHA, 2023, p. 4). Based on the City's standard of 0.5 square feet (s.f.) of library space per resident, future development within the Annexation Area could result in the demand for approximately 185 s.f. of additional library space; this additional demand for library space is expected to occur gradually over a period of approximately 20 years. Pursuant to Chapter 3.40 (Development Impact Fees) of the City's Municipal Code, each of these dwelling units would be subject to the City's DIF, portions of which are used to provide funding for library facilities. Payment of DIF fees would offset the incremental increase in demand for library facilities associated with future development within the Annexation Area. When combined with implementation of applicable GPU policies related to library facilities, impacts associated with future development within the Annexation Area would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.16 RECREATION

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|--------------------------|---|---|
| <i>Would the project:</i> | | | | |
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

GPU EIR Finding: The GPU EIR found that buildout of the GPU would require between 368-375 acres of total parkland to meet future population demands, while only 339-345 acres were accommodated under the GPU. However, GPU EIR indicated that the projected deficiency would be accommodated through leasing land in the Prado Basin for a park, along with leasing land from the ACOE for wilderness parks, trails, and habitat restoration. In addition, the GPU EIR identified GPU policies that would address the need for additional parks and recreational facilities, including Policy 1 under Parks and Recreation Element Objective PR-1.1 (requiring the City to achieve and maintain a standard of 3 acres of parks per 1,000 Chino residents, and specifying the types of park facilities that may be accounted as part of the City's park acreage totals). As such, the GPU EIR concludes that there would be a less-than-significant impact due to the physical deterioration of parks and recreation facilities.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the Project would not result in an increase in the area's population such that substantial physical deterioration of existing neighborhood and regional parks or other recreational facilities would occur.

As indicated above under Response 4.15.d., and based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with up to 114 additional residential dwelling units, which, if developed, would increase the City's population by approximately 370 persons (SRHA, 2023, p. 6). This increase in population is expected to occur gradually over a period of approximately 20 years and would result in an incremental increase in the use of existing neighborhood and regional parks and other recreational facilities within the local area. Pursuant to Chapter 3.40 (Development Impact Fees) of the City's Municipal Code, each of these dwelling units would be subject to the City's DIF, portions of which are used to provide funding for public use facilities, including recreational facilities. With mandatory payment of fees,

combined with implementation of applicable GPU policies, the City would be able to accommodate the increase in population through the construction of new park facilities or expansion of existing facilities. Accordingly, impacts due to the increased use of existing neighborhood and regional parks or other recreational facilities resulting in substantial physical deterioration would be less than significant.

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

GPU EIR Finding: The GPU EIR found that buildout of the GPU would require between 368-375 acres of total parkland to meet future population demands, while only 339-345 acres were accommodated under the GPU. However, GPU EIR indicated that the projected deficiency would be accommodated through leasing land in the Prado Basin for a park, along with leasing land from the ACOE for wilderness parks, trails, and habitat restoration. In addition, the GPU EIR identified GPU policies that would address the need for additional parks and recreational facilities, including Policy 1 under Parks and Recreation Element Objective PR-1.1 (requiring the City to achieve and maintain a standard of 3 acres of parks per 1,000 Chino residents, and specifying the types of park facilities that may be accounted as part of the City's park acreage totals). As such, the GPU EIR concludes that there would be a less-than-significant impact from the construction or expansion of parks and recreation facilities.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. No parks or recreational facilities are proposed as part of the Project, and no major park or recreational facilities are planned within the Annexation Area. Accordingly, the Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment, and no impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.17 TRANSPORTATION

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|---|------------------------------|--------------------------|--|---|
| <i>Would the project:</i> | | | | |
| a. Conflict with an applicable program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) Would the Project conflict with an applicable program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

GPU EIR Finding: The GPU EIR determined that with implementation of the GPU, all major intersections in the City would operate at level of service (LOS) D or better, consistent with the standard established in GPU Transportation Element Objective TRA-1.2, Policy P.1 to achieve an average LOS D or better at intersections and along roadway segments. As such, the GPU EIR concludes that impacts would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the proposed Project has no potential to conflict with an applicable program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and no impact would occur. Although an additional 114 dwelling units could be developed on existing vacant parcels within the Annexation Area, and already allowed by the existing San Bernardino County Countywide Plan land use designations and zoning district classifications that apply within the Annexation Area, all such future development would be required to comply with all applicable programs, plans, ordinances, and policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Accordingly, impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

b) Would the Project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

GPU EIR Finding: Senate Bill 743 (SB 743) was passed in 2013, which required that by July 1, 2020, a project's transportation projects must be evaluated based on a Vehicle Miles Traveled (VMT) measure, instead of evaluating impacts based on LOS criteria. In January 2019, the Natural Resources Agency finalized updates to the CEQA Guidelines including the incorporation of the SB 743 modifications. The Guidelines changes were approved by the Office of Administrative Law and are now in effect. Therefore, as of July 1, 2020, LOS can no longer be the basis for determining an environmental effect under CEQA, and the analysis of impacts to transportation is now based on VMT. As this threshold of significance addressing VMT was not in place at the time the GPU EIR was certified, this threshold was not evaluated as part of the GPU EIR. Notwithstanding, the GPU's total VMT was assessed as part of the air quality impact analysis included as part of the GPU EIR. Thus, the GPU EIR contained sufficient information about projected total VMT associated with the GPU that with the exercise of reasonable diligence, information about the GPU's potential effect due to VMT was readily available to the public.

No Substantial Change from Previous Analysis: Changes to the CEQA Guidelines were adopted in December 2018, which require all lead agencies to adopt VMT as a replacement for automobile delay-based LOS as the new measure for identifying transportation impacts for land use projects. This statewide mandate went into effect July 1, 2020, and was not in effect at the time the GPU EIR was certified in 2010. CEQA Guidelines Section 15064.3(c) is clear that "[t]he provisions of [Section 15064.3] shall apply prospectively as described in [CEQA Guidelines] section 15007." CEQA Guidelines Section 15007(c) specifically states: "[i]f a document meets the content requirements in effect when the document is sent out for public review, the document shall not need to be revised to conform to any new content requirements in Guideline amendments taking effect before the document is finally approved." As noted above, the Guidelines changes with respect to VMT took effect on July 1, 2020, while the GPU EIR was certified on July 6, 2010. As such, and in accordance with CEQA Guidelines Sections 15064.3(c) and 15007(c), revisions to the GPU EIR are not required under CEQA in order to conform to the new requirements established by CEQA Guidelines Section 15064.3. Accordingly, the proposed Project has no potential to conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), and no impact would occur. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

c) Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

GPU EIR Finding: The GPU EIR noted that the City of Chino reviews all changes to the roadway system to ensure that plans follow standard policies and guidelines. The GPU EIR found that implementation of the GPU Transportation Element would not result in increased hazards due to design features or incompatible land uses, thereby resulting in a less-than-significant impact.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. Additionally, the Project would not involve any changes to the existing circulation network in the area, and would not include any design features that could substantially increase hazards. Although residential land uses could be constructed on vacant parcels within the Annexation Area in the future, these dwelling units would be developed on existing legal parcels and also would not involve changes to the existing roadway network.

Additionally, the Annexation Area includes residential, agricultural, and public facilities land uses under existing conditions, and the development of additional dwelling units within the Annexation Area would not comprise a use that is incompatible from a safety standpoint with existing development in the area. Accordingly, impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

d) Would the Project result in inadequate emergency access?

GPU EIR Finding: The GPU EIR notes that all public and private streets, alleys, drives, and access ways in the City are reviewed by the CVFD for conformance with its design standards that ensure adequate emergency access throughout the City. As such, the GPU EIR concludes that there would be a less-than-significant impact due to inadequate emergency access.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. Additionally, the Project would not involve any changes to the existing circulation network in the area. All parcels within the Annexation Area are currently served by existing improved roadways, and future development within the Annexation Area is not anticipated to adversely affect the existing roadway network. Accordingly, the Annexation Area would be provided with adequate emergency access, and impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.18 TRIBAL CULTURAL RESOURCES

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|--------------------------|---|---|
| <i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i> | | | | |
| 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), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) **Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is 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) **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 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?**

GPU EIR Finding: Assembly Bill 52 (AB 52) was signed into law in 2014 and added the above-listed thresholds to Appendix G of the CEQA Guidelines. Thus, at the time the GPU EIR was certified in 2010, AB 52 was not in place and the GPU EIR did not specifically address these thresholds. Notwithstanding, the GPU EIR included an extensive analysis of potential impacts to cultural resources. As previously indicated herein in subsection 4.5, the GPU EIR

found that implementation of Objective OSC-7.1, Policy P3 of the GPU's Open Space and Conservation Element (requiring evaluation and appropriate treatment of any unknown archaeological or paleontological resources discovered during construction) and Objective OSC-7.1, Policy P4 (calling for the City to consult with the Native American community if Native American artifacts are discovered to ensure the respectful treatment of sacred places) would ensure that future developments within the City adequately protect known and previously undiscovered archaeological resources, thereby ensuring that impacts to archaeological resources would be less-than-significant.

No Substantial Change from Previous Analysis: The above-listed thresholds were added to Appendix G to the CEQA Guidelines pursuant to AB 52. As noted above, AB 52 was signed into law in 2014 while the GPU EIR was certified on July 6, 2010. AB 52 requires tribal consultation for certain development projects and applies only to projects that have a notice of preparation or notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015. As demonstrated by the analysis herein, the proposed Project is fully within the scope of analysis of the GPU EIR, and the Project would not trigger any of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR. As such, an Addendum to the GPU EIR has been prepared for the Project pursuant to Section 15164 of the State CEQA Guidelines, and the Project would not require a notice of preparation or notice of negative declaration or mitigated negative declaration. Therefore, the provisions of AB 52 are not applicable to the Project.

Notwithstanding the above, the City was obligated to consult with local Native American tribes regarding the Project pursuant to Senate Bill 18 (SB 18). As part of the SB 18 consultation process, no Tribe provided evidence to the City indicating the presence of tribal cultural resources within the Annexation Area. Furthermore, the proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the Project would not directly result in impacts to tribal cultural resources. Subsection 4.5 provides an analysis of potential impacts to cultural resources (including tribal cultural resources). As concluded therein, and consistent with the findings of the GPU EIR, although there is a potential for cultural resources, including tribal cultural resources, to occur beneath the soil surface, future development within the Annexation Area would be subject to GPU Objective OSC-7.1, Policy P3, which requires that if unknown archaeological resources are discovered during construction, the Planning Division should be notified immediately and construction should stop until an archaeologist evaluates the discovered resources and recommends appropriate action. In addition, future discretionary development projects within the Annexation Area would be subject to mandatory compliance with AB 52, which would require the City to consult with interested Native American tribes to determine the potential sensitivity of development sites for tribal cultural resources, and to incorporate avoidance/protective measures as needed. With mandatory compliance with AB 52 and GPU Objective OSC-7.1, Policy P3, potential impacts to tribal cultural resources associated with future development within the Annexation Area would be less than significant.

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.19 UTILITIES AND SERVICE SYSTEMS

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|--------------------------|--|---|
| <i>Would the project:</i> | | | | |
| a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) **Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?**

GPU EIR Finding: The GPU EIR found that buildout of the GPU would result in an increase in demand for 423 acre-feet per year (AFY) of potable water and an additional 239 AFY of recycled water, which would be accommodated by the City's projected supplies of water. Additionally, the GPU EIR identified several GPU policies that would serve to reduce water demand within the City, including Public Services and Facilities Element Goal PFS-7, Objective PFS-7.1 and associated Policies P1 through P6 (generally requiring the provision of adequate water supply); and Public Services and Facilities Objective PFS-7.4 (subsequently renumbered as Objective PFS-7.5) and associated Policies P1 and P4 (generally requiring the use of recycled water to reduce potable water demands). The GPU EIR concluded that although new facilities would be constructed pursuant to the City's Water System

Master Plan (e.g. pipes, pumps, wells, reservoirs, treatment systems), technical evaluations would be performed on a project by project basis in order to understand project feasibility and any technically-based recommendations with respect to the operation of those facilities (e.g. well production limits in order to maintain groundwater level, etc.), including any necessary review under CEQA once the scope of such projects are known. As such, the GPU EIR concluded that impacts due to the construction of new or expanded water treatment facilities would be less than significant.

With respect to wastewater treatment facilities, the GPU EIR found that buildout of the GPU would result in an increased demand of between 10.5 and 10.7 mgd, which would not create a need for new or expanded wastewater treatment facilities. Additionally, the GPU EIR identified several GPU policies that address wastewater treatment facilities, including Policies P1 and P2 under Public Services and Facility Objective PFS-9.1 (requiring the maintenance of wastewater and collection and conveyance infrastructure and requiring all new developments within the City must connect to the public wastewater collection system); Policies P2 and P3 under Objective PFS-9.2 (directing the City to construct new wastewater conveyance facilities as needed, requiring development projects to construct all necessary collection lines, and requiring new development to demonstrate sufficient capacity for wastewater collection and treatment); and Objective PFS-9.3, Action A1 (directing the City to establish wastewater treatment demand reduction standards for new development and redevelopment to reduce per capita and total demand for wastewater treatment). The GPU EIR concluded that impacts due to new or expanded wastewater treatment facilities would be less than significant.

The GPU EIR indicated that although the GPU would result in further urbanization of the City, the City's Master Plan of Drainage identifies all storm drain deficiencies in Chino as of 1993. The GPU EIR indicated that future stormwater runoff facility upgrades would be implemented through the City's Conditions of Approval and capital improvement projects. Additionally, the GPU EIR identified several GPU Goals, Objectives, and Policies that would serve to address the City's stormwater drainage needs, including Policies P1 and P3 under Public Facilities and Services Element Goal PFS-10 (requiring the City to maintain stormwater runoff infrastructure in good condition, and directing the City to require local stormwater runoff drainage improvements to carry design-year runoff flows resulting from buildout of the GPU); Objective PFS-10.1 (directing the City to control stormwater runoff to protect against flooding, account for future development, and address environmental concerns); and Policies P1, P2, P3, and P4 under Objective PFS-11.1 (generally requiring the reduction of storm runoff, the implementation of BMPs, and ensuring new development is adequately served by stormwater runoff infrastructure). As such, the GPU EIR concluded that impacts associated with storm drains would be less than significant.

The GPU EIR did not identify any significant impacts associated with the construction of electric power, natural gas, or telecommunications facilities.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the Project would not directly require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Although additional residential land uses could be developed on existing vacant parcels within the Annexation Area in the future, the Annexation Area is largely developed under existing conditions with residential,

agricultural, and public facilities uses. As such, water, sewer, stormwater drainage, electric power, natural gas, and telecommunications facilities already are available to serve the Annexation Area, and future development within the Annexation Area only would require connections to these existing facilities within existing, improved roadway rights-of-way. Furthermore, because the proposed Project would not allow for any development that isn't already allowed under existing conditions, the Project would not result in or require any new or expanded facilities for the provision of water or wastewater treatment services. Accordingly, impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

b) Would sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?

GPU EIR Finding: The GPU EIR found that buildout of the GPU would result in an increase in demand for 423 AFY of potable water and an additional 239 AFY of recycled water, which would be accommodated by the City's projected supplies of water. Additionally, the GPU EIR identified several GPU policies that would serve to reduce water demand within the City, including Public Services and Facilities Element Goal PFS-7, Objective PFS-7.1 and associated Policies P1 through P6 (generally requiring the provision of reliable water supplies in the City); and Public Services and Facilities Objective PFS-7.4 (since renumbered as Objective PFS-7.5) and associated Policies P1 and P4 (generally promoting the use of recycled water to reduce potable water demand). As such, the GPU EIR concluded that impacts due to insufficient water supplies would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the Project would not directly result in an increase in demand for potable water.

Notwithstanding, residential land uses are planned for the Annexation Area by the GPU, and already allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply within to the Annexation Area, and additional residential development could occur in the future. The MVWD's and City of Chino's UWMPs forecast water demands and supplies under normal, single-dry, and multiple-dry year conditions; assesses supply reliability; and describes methods of reducing demands under potential water shortages. As documented in the MVWD UWMP (see Tables 7-2 through 7-4) and the City of Chino UWMP (see Tables 7-2 through 7-4), both the MVWD and City of Chino expect to have adequate water supply to meet their expected service demands (MVWD, 2021; City of Chino, 2021). The MVWD and City of Chino UWMPs are based, in part, on the land uses planned as part of the City's and County's General Plans. As previously indicated in Table 3-1, the land use designations that would apply to the Annexation Area with approval of the Project would be substantially similar to the existing San Bernardino County General Plan land use designations and zoning classifications, which were previously found by the Countywide Plan EIR (see Page 5.18-41) and Yorba Villas EIR (see Appendix A, Page 72) to not result in near or long-term water shortages within the MVWD or City of Chino. Thus, the Project would not allow for a substantial increase in land use intensity that could exceed the growth assumptions of the MVWD or City of Chino UWMPs. As such, and consistent with the findings of the GPU EIR, the proposed Project is fully accounted for by the MVWD and City of Chino UWMPs. Because the UWMPs demonstrate that the MVWD and City of Chino would have sufficient water supplies to meet water demands within their respective districts through 2040, it can therefore be concluded that there would be

sufficient water supplies to serve future development within the Annexation Area and reasonably foreseeable future development during normal, dry, and multiple dry years, and impacts would be less than significant.

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- c) **Would the Project 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?**

GPU EIR Finding: The GPU EIR found that buildout of the GPU would result in an increased demand of between 10.5 and 10.7 mgd, which would not create a need for new or expanded wastewater treatment facilities. Additionally, the GPU EIR identifies several GPU policies that address wastewater treatment facilities, including Public Services and Facility Goal PFS-9 and associated Policies P1 and P2 (generally requiring the disposal of wastewater in the City in safe, sanitary, and environmentally acceptable ways). The GPU EIR concludes that impacts due to insufficient wastewater capacity would be less than significant.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the Project would not directly result in an increased demand for wastewater treatment.

Notwithstanding, residential land uses are planned for the Annexation Area by the GPU, and already allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Annexation Area, and additional residential development could occur in the future. Based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with up to 114 additional residential dwelling units. As indicated by the GPU EIR, residential uses generate approximately 270 gallons per day (gpd) of wastewater. Thus, the additional 114 residential dwelling units, if constructed, would generate approximately 30,780 gpd of wastewater requiring treatment ($114 \text{ du} \times 270 \text{ gpd/du} = 30,780 \text{ gpd}$). This would represent approximately 0.04% of the 71.7 mgd of existing treatment capacity at regional wastewater treatment facilities (which is expected to increase in the future as facility expansion projects are completed). As such, future development of up to 114 additional residential structures within the Annexation Area would not result in a determination by the wastewater treatment provider which serves or may serve the Annexation Area that it has inadequate capacity to serve future residential development within the Annexation Area in addition to the provider's existing commitments. Impacts would be less than significant.

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- d) **Would the Project 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?**
- e) **Would the Project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?**

GPU EIR Finding: The GPU EIR found that although buildout of the GPU would result in an increased demand for landfill capacity, such demand would be accommodated by the El Sobrante Landfill. Additionally, the GPU EIR identified several GPU policies intended to reduce solid waste demand, including Policies P3 through P6 of the GPU Public Facilities and Services Element Goal PFS-12, Objective PFS-12.1 (generally promoting the reduction of solid waste generated in the City through collection, storage, transportation, recycling, and disposal). As such, the GPU EIR concluded that there would be a less-than-significant impact due to the projected solid waste disposal demands created by the GPU. The GPU EIR did not identify any significant impacts due to non-compliance with federal, State, or local statutes and regulations related to solid waste.

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the Project would not directly result in the generation of solid waste and would have no potential to conflict with federal, State, or local management and reduction statutes and regulations related to solid waste.

Notwithstanding, residential land uses are planned for the Annexation Area by the GPU, and already allowed by the existing San Bernardino County Countywide Plan land use designations and San Bernardino County zoning district classifications that apply to the Annexation Area, and additional residential development could occur in the future. Based on the analysis presented in the Project's PFS (*Technical Appendix A*), vacant parcels within the Annexation Area ultimately could be developed with up to 114 additional residential dwelling units. Future development within the Annexation Area would be required to comply with the San Bernardino County Countywide Integrated Waste Management Plan (CIWMP) and the California Solid Waste Reuse Act of 1991 (Cal Pub Res. Code Section 42911), which require that up to 50 percent of solid waste shall be diverted from area landfills. In conformance with the CIWMP and as required by Chapter 8.16 (Refuse Collection) of the City's Municipal Code, future development within the Annexation Area would require coordination with future contract refuse haulers to implement recycling and waste reduction programs for solid wastes. Mandatory compliance with the CIWMP and Municipal Code Chapter 8.16 would ensure that potential future development within the Annexation Area does not generate solid waste in excess of State or local standards, or otherwise impair the attainment of solid waste reduction goals, and would ensure that future development within the Annexation Area complies with federal, State, and local management and reduction statutes and regulations related to solid waste. Impacts would be less than significant.

Solid waste generated by the future development of up to 114 dwelling units within the Annexation Area would be sent to the West Valley Material Recovery Facility and Transfer Station located in Fontana, where it would be conveyed to the El Sobrante Landfill located in Riverside County. As noted by the GPU EIR, the waste generation rate within the City is 7.2 pounds per day (ppd) per person. As reported by the Project's PFS, development of the additional 114 dwelling units would result in a future increase in population by 370 persons. Thus, at full buildout (approximately 20 years into the future), new development within the Annexation Area would generate approximately 2,664 ppd of solid waste requiring disposal (370 persons x 7.2 ppd/person = 2,664 ppd). The El

Sobrante Landfill is permitted to receive up to 16,054 tons per day (tpd) of solid waste, while the West Valley Material Recovery Facility and Transfer Station is permitted a maximum of 7,500 tpd. Thus, the 2,664 ppd of solid waste that would be generated by future development within the Annexation Area would represent only 0.008% of the daily disposal capacity at the El Sobrante Landfill and only 0.02% of the daily conveyance capacity at the West Valley Material Recovery Facility and Transfer Station. As such, future development within the Annexation Area would not generate solid waste in excess of the capacity of local infrastructure, and impacts would be less than significant.

Based on the foregoing analysis, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.20 WILDFIRE

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|--------------------------|--|---|
| <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i> | | | | |
| a. Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project substantially impair an adopted emergency response plan or emergency evacuation plan?
- b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project, 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?
- c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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?

GPU EIR Finding: The GPU EIR disclosed that adherence to GPU Goal SAF-3 (encouraging the protection of life and property from wildland fire hazards) and associated Policy P1 (requiring incorporation of measures to reduce wildland fire hazard threats) would provide protection from wildland fires. Additionally, the GPU EIR concluded that the City is generally buffered from wildland fires due its flat topography and the limited amount of open space immediately surrounding the City, as well as the separation between the City and the Chino Hills provided by State Route 71. As such, the GPU EIR concluded that impacts due to wildland fire hazards would be less than significant.

No Substantial Change from Previous Analysis: A State Responsibility Area (SRA) is land where the State of California is financially responsible for the prevention and suppression of wildfires. According to mapping information available from the California Board of Forestry and Fire Protection (BFFP), the Annexation Area is not located within any SRAs. The nearest lands within an SRA are located approximately 6.4 miles northwest of the Annexation Area. (BFFP, n.d.)

Fire protection services within the Annexation Area are and would continue to be provided by the CVFD. As indicated on GPU EIR Figure 4.7-1 (Wildland Urban Interface Threat to Community), the Annexation Area is mapped as having “Little or no threat” due to wildland fire hazards. The nearest area identified as having a “Moderate threat” for wildland fire hazards occurs approximately 0.1-mile west of the northwestern boundary of the Annexation Area; however, the Annexation Area is separated from these lands by existing residential developments and improved roadways. Furthermore, and as documented by the GPU EIR, conditions of approval for new development include a number of actions to reduce fire danger to new structures and the community in general. Furthermore, the City of Chino enforces a Weed Abatement program to reduce fire hazards. As such, impacts related to wildfire would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

| | New Significant Impact | More Severe Impacts | Ability to Substantially Reduce Previous Significant Impact | No Substantial Change from Previous Analysis |
|--|------------------------------|--------------------------|--|---|
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the Project would not directly result in any impacts to biological or cultural resources. Moreover, as indicated throughout the analysis in this EIR Addendum (refer specifically to EIR Addendum subsections 4.4, 4.5, and 4.18), potential future development within the Annexation Area would not substantially degrade the quality of the environment, substantially reduce the habit of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or 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. As such, impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the Project has no potential to result in cumulatively-considerable impacts to the environment. Cumulative effects that would result from the future development of up to 114 homes within the Annexation Area have been evaluated throughout this EIR Addendum, which concludes that such impacts would not occur, would be less than significant, or would be reduced to below a level of significance with mandatory compliance with the City's standard conditions of approval, GPU objectives and policies, and/or municipal code. Accordingly, the Project would not have impacts which are individually limited, but cumulatively considerable. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

- c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No Substantial Change from Previous Analysis: The proposed Project would consist of the annexation of 144.8 acres into the City of Chino boundaries. No new development or construction would be authorized with approval of the Project. As such, the Project has no potential to result in environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. Additionally, while up to 114 additional dwelling units could be developed within the Annexation Area based on the Site's existing and proposed land use designations and zoning, residential uses are not associated with adverse environmental effects on human beings. Accordingly, the Project would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly, and impacts would be less than significant. Therefore, the Project would not result in any new significant impacts not already analyzed in the GPU EIR or increase the severity of a significant impact as previously identified and analyzed in the GPU EIR.

4.22 EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration as per California Code of Regulations, Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

Earlier Analyses Used, if any:

- City of Chino General Plan Environmental Impact Report (SCH No. 2008091064), certified July 6, 2010.
- Yorba Villas Environmental Impact Report (SCH No. 2021060049), certified October 4, 2022.

Location: City of Chino Planning Department
13220 Central Avenue
Chino, CA 91710

5.0 References

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**ENVIRONMENTAL DOCUMENTS RELATED TO THE
CITY OF CHINO'S APPROVAL OF
ENVISION CHINO 2025 GENERAL PLAN UPDATE
(SCH No. 2008091064)**

- ❖ [Notice of Determination \(Filed July 8, 2010\)](#)
- ❖ [Findings of Fact and Statement of Overriding Considerations](#)
- ❖ [General Plan Final Environmental Impact Report](#)
- ❖ **General Plan Draft Environmental Impact Report**
 - [General Plan Draft EIR – 00 Cover Sheet](#)
 - [General Plan Draft EIR – 00 Table of Contents](#)
 - [General Plan Draft EIR – 01 Introduction](#)
 - [General Plan Draft EIR – 02 Report Summary](#)
 - [General Plan Draft EIR – 03 Project Description](#)
 - [General Plan Draft EIR – 04 Environmental Evaluation](#)
 - [General Plan Draft EIR – 04.01 Aesthetics](#)
 - [General Plan Draft EIR – 04.02 Agricultural Resources](#)
 - [General Plan Draft EIR – 04.03 Air Quality and Greenhouse Gases](#)
 - [General Plan Draft EIR – 04.04 Biological Resources](#)
 - [General Plan Draft EIR – 04.05 Cultural and Paleontological Resources](#)
 - [General Plan Draft EIR – 04.06 Geology, Soils, and Seismicity](#)
 - [General Plan Draft EIR – 04.07 Hazards and Hazardous Materials](#)
 - [General Plan Draft EIR – 04.08 Hydrology and Water Quality](#)
 - [General Plan Draft EIR – 04.09 Land Use](#)
 - [General Plan Draft EIR – 04.10 Noise](#)
 - [General Plan Draft EIR – 04.11 Population, Employment, and Housing](#)
 - [General Plan Draft EIR – 04.12 Public Services](#)
 - [General Plan Draft EIR – 04.13 Traffic and Circulation](#)
 - [General Plan Draft EIR – 04.14 Utilities and Infrastructure](#)
 - [General Plan Draft EIR – 05 Alternatives to the Proposed Project](#)
 - [General Plan Draft EIR – 06 CEQA Required Assessment Conclusions](#)
 - [General Plan Draft EIR – 07 List of Preparers](#)
 - [General Plan Draft EIR – Housing Element Addendum](#)

For more information regarding the City of Chino's General Plan, follow the link below:
<https://www.cityofchino.org/211/General>

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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lafco@lafco.sbcounty.gov
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PROPOSAL NO.: LAFCO 3269

HEARING DATE: SEPTEMBER 18, 2024

RESOLUTION NO. 3407

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3269, AS MODIFIED, AND APPROVING THE REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF CHINO AND DETACHMENT FROM COUNTY SERVICE AREA 70 AND COUNTY SERVICE AREA SL-1 (RAMONA FRANCIS ANNEXATION).

The reorganization area, as modified, encompasses approximately 144.8 acres and is generally located north and south of Francis Avenue between Norton and Yorba Avenues, within the City's sphere of influence. The area is bounded by: parcel lines on the north; a combination of Francis Avenue, Ramona Avenue, and parcel lines (generally City of Chino boundaries) on the west; a combination of Philadelphia Street and parcel lines (City of Chino boundaries) on the south; and a combination of Yorba Avenue and parcel lines (generally City of Chino boundaries) on the east, 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,

RESOLUTION NO. 3407

WHEREAS, the public hearing by this Commission was called for September 18, 2024 at the time and place specified in the notice of public hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written 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,

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", "A-1", "B", and "B-1" attached.

Condition No. 2. The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3269.

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.

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 271 registered voters as of August 6, 2024, as certified by the County Registrar of Voters Office.

RESOLUTION NO. 3407

2. The County Assessor has determined that the total assessed value of land and improvements within the reorganization area, as modified, is \$57,749,674 (land - \$24,011,405 -- improvements - \$33,738,269).
3. The reorganization area is within the sphere of influence assigned the City of Chino.
4. Legal notice of the Commission's consideration of this proposal was provided by publication of an eight-page (1/8 page) legal ad in the *Chino Champion*, 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 (170) and registered voters (271) within the reorganization area, totaling 441 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: RD-2 (Residential 2 DU/AC), RD-4.5 (Residential 4.5 DU/AC), and P (Public). 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.
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 3269 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 Ramona Francis Annexation, prepared an Addendum to the City of Chino's General Plan Update Environmental Impact Report (SCH #2008091064) for the Annexation/Rezoning and General Plan Amendment for the Ramona Francis Annexation. The Commission, its staff, and its Environmental Consultant have independently reviewed the City's General Plan Environmental Impact Report and Addendum.

The Commission certifies that it has reviewed and considered the City's Addendum and the environmental effects as outlined in the Addendum prior to reaching a decision on the project and finds the information substantiating the mitigation measures in the General Plan 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,

RESOLUTION NO. 3407

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) and County Service Area SL-1 (streetlighting).

Upon reorganization, the territory will detach from County Service Area 70 and County Service Area SL-1 as well a reduction to their respective spheres of influence 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 assist in the City's ability to achieve its fair share of the regional housing needs based upon the anticipated residential land uses for the development.
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):

RESOLUTION NO. 3407

| Demographic and Income Comparison | City of Chino (%) | Subject Area (%) |
|-----------------------------------|-------------------|------------------|
| Race and Ethnicity | | |
| • White Alone | 27.4 % | 32.7 % |
| • Black Alone | 6.0 % | 2.2 % |
| • American Indian Alone | 1.5 % | 1.6 % |
| • Asian Alone | 21.0 % | 10.6 % |
| • Pacific Islander Alone | 0.2 % | 0.2 % |
| • Some Other Race Alone | 26.1 % | 34.1 % |
| • Two or More Races | 17.8 % | 18.5 % |
| | | |
| • Hispanic Origin (Any Race) | 52.0 % | 62.7 % |
| | | |
| Median Household Income | \$106,713 | \$124,913 |

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 3269.

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.
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.

ABSENT: COMMISSIONERS:

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

SAMUEL MARTINEZ
Executive Officer

LAFCO 3269

REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF CHINO AND DETACHMENT FROM COUNTY SERVICE AREA 70 AND COUNTY SERVICE AREA SL-1 (RAMONA FRANCIS ANNEXATION)

ANNEXATION TO THE CITY AND DETACHMENT FROM THE COUNTY SERVICE AREA 70

THOSE PARCELS OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 8 WEST AND SECTION 3, TOWNSHIP 2 SOUTH, RANGE 8 WEST, SAN BERNARDINO MERIDIAN, IN SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTERLINE INTERSECTION OF NORTON AVENUE AND FRANCIS AVENUE AS SHOWN ON PARCEL MAP NO. 1751, RECORDED IN BOOK 14, PAGE 94 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID INTERSECTION ALSO BEING ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE LEAVING SAID SECTION LINE

- 1 NORTH 00°00'00" EAST 660.00 FEET ALONG THE CENTERLINE OF SAID NORTON AVENUE TO THE NORTHWEST CORNER OF PARCEL NO. 1 OF SAID PARCEL MAP; THENCE
- 2 SOUTH 89°59'25" EAST 1320.45 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL NO. 1 TO A POINT IN THE CENTERLINE OF RAMONA AVENUE, AS SHOWN ON PARCEL MAP NO. 8759, RECORDED IN BOOK 96, PAGES 21 AND 22 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE
- 3 NORTH 89°59'45" EAST 1319.61 FEET TO THE INTERSECTION OF THE CENTERLINE OF YORBA AVENUE WITH THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF TRACT MAP NO. 20394, RECORDED IN BOOK 367, PAGES 18 THROUGH 21 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE
- 4 SOUTH 00°00'35" EAST 660.00 FEET ALONG THE CENTERLINE OF SAID YORBA AVENUE TO THE CENTERLINE INTERSECTION OF YORBA AVENUE AND FRANCIS AVENUE, AS SHOWN ON TRACT MAP NO. 13429, RECORDED IN BOOK 208, PAGES 22 AND 23 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID INTERSECTION ALSO BEING ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34 AND THE NORTHEAST CORNER OF LAFCO 2498 BOUNDARY; THENCE
- 5 SOUTH 89°59'45" WEST 659.60 FEET ALONG THE CENTERLINE OF SAID FRANCIS STREET, THE NORTH LINE OF SAID TRACT NO. 13429, SAID SECTION LINE, AND SAID LAFCO 2498 BOUNDARY TO THE NORTHWEST CORNER OF SAID TRACT; THENCE LEAVING SAID SECTION LINE
- 6 SOUTH 00°01'59" EAST 660.20 FEET ALONG THE WEST LINE OF SAID TRACT NO. 13429 TO THE SOUTHWEST CORNER OF SAID TRACT NO. 13429; THENCE
- 7 NORTH 89°59'42" EAST 659.47 FEET ALONG THE SOUTH LINE OF SAID TRACT NO. 13429 TO THE SOUTHEAST CORNER OF SAID TRACT NO. 13429, ALSO BEING A POINT IN THE CENTERLINE OF YORBA AVENUE, A POINT IN THE BOUNDARY OF LAFCO 2498, AND THE CITY OF CHINO ANNEXATION NO. 20 BOUNDARY; THENCE LEAVING SAID BOUNDARY OF LAFCO 2498
- 8 SOUTH 00°01'18" EAST 1320.11 FEET ALONG THE CENTERLINE OF YORBA AVENUE AND THE BOUNDARY OF SAID ANNEXATION NO. 20 TO THE SOUTHWEST CORNER OF TRACT NO. 7215,

RECORDED IN BOOK 111, PAGES 91 AND 92 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER
OF SAID COUNTY; THENCE

9 SOUTH 89°59'59" EAST 659.08 FEET ALONG THE SOUTHERLY LINE OF SAID TRACT NO. 7215 AND
IT'S WESTERLY AND EASTERLY PROLONGATION TO THE NORTHWEST CORNER OF TRACT NO. 7937,
RECORDED IN BOOK 100, PAGES 97 AND 98 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF
SAID COUNTY; THENCE

10 SOUTH 00°00'45" EAST 660.10 FEET ALONG THE WESTERLY LINE OF SAID TRACT NO. 7937 AND ITS
SOUTHERLY PROLONGATION TO THE CENTERLINE OF PHILADELPHIA STREET AS SHOWN ON SAID
TRACT, ALSO BEING A POINT ON THE BOUNDARY OF LAFCO 2869, THE SOUTH LINE OF THE
SOUTHEAST QUARTER OF SAID SECTION 34, AND THE NORTHEAST CORNER OF TRACT NO. 16140,
RECORDED IN BOOK 283, PAGES 37 THROUGH 41 OF MAPS IN THE OFFICE OF THE COUNTY
RECORDER OF SAID COUNTY ; THENCE LEAVING SAID ANNEXATION NO. 20

11 NORTH 89°59'58" WEST 658.98 FEET ALONG THE CENTERLINE OF SAID PHILADELPHIA STREET TO
THE CENTERLINE OF YORBA AVENUE, AS SHOWN ON TRACT NO. 16140, RECORDED IN BOOK 238,
PAGES 37 THROUGH 41 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;
THENCE

12 SOUTH 89°57'52" WEST 351.51 FEET ALONG THE CENTERLINE OF SAID PHILADELPHIA STREET TO
THE NORTHERLY PROLONGATION OF THE WEST LINE OF SAID TRACT NO. 16140; THENCE LEAVING
THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34

13 SOUTH 00°00'04" WEST 659.79 FEET ALONG SAID WEST LINE AND IT'S NORTHERLY PROLONGATION
TO THE SOUTHWEST CORNER OF SAID TRACT NO. 16140, BEING A POINT IN THE NORTH LINE OF
TRACT NO. 9353, RECORDED IN BOOK 130, PAGES 25 AND 26 OF MAPS IN THE OFFICE OF THE
COUNTY RECORDER OF SAID COUNTY, AND A POINT ON THE BOUNDARY OF SAID ANNEXATION NO.
20; THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID TRACT NO. 9353, LEAVING SAID
TRACT NO. 16140, AND THE BOUNDARY OF LAFCO 2869

14 SOUTH 89°57'25" WEST 307.20 FEET TO THE NORTHWEST CORNER OF SAID TRACT NO. 9353, ALSO
BEING A POINT IN THE EAST LINE OF TRACT NO. 12466, RECORDED IN BOOK 175, PAGES 13 AND 14
OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, A POINT ON THE
BOUNDARY OF LAFCO 1999; THENCE LEAVING SAID TRACT NO. 9353

15 NORTH 00°00'55" WEST 329.91 FEET ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF SAID
TRACT NO. 12466; THENCE

16 SOUTH 89°58'13" WEST 132.00 FEET ALONG THE NORTH LINE OF SAID TRACT NO. 12466 TO THE
WEST LINE OF DEED RECORDED AUGUST 31, 2011 AS INSTRUMENT NO. 2011-0365571 OF OFFICIAL
RECORDS OF SAID COUNTY, ALSO BEING THE SOUTHEAST CORNER OF SAID LAFCO 1999; THENCE
LEAVING SAID ANNEXATION NO. 20

17 NORTH 00°00'55" WEST 329.95 FEET ALONG THE WEST LINE OF SAID DEED TO THE CENTERLINE OF
PHILADELPHIA STREET, ALSO BEING A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF
SAID SECTION 34; THENCE

18 SOUTH 89°57'22" WEST 317.57 FEET ALONG SAID CENTERLINE OF PHILADELPHIA STREET TO THE
SOUTHERLY PROLONGATION OF THE EAST LINE OF PARCEL 1 OF DEED RECORDED NOVEMBER 16,
2006 AS INSTRUMENT NO. 2006-0780795 OF OFFICIAL RECORDS OF SAID COUNTY, ALSO BEING THE
SOUTHEAST CORNER OF LAFCO 2634 BOUNDARY; THENCE LEAVING SAID LAFCO 1999 BOUNDARY
AND SAID SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34

19 NORTH 00°02'34" WEST 168.00 FEET ALONG SAID EAST LINE OF PARCEL 1 AND THE EAST LINE OF
 SAID LAFCO 2634 BOUNDARY TO THE NORTHEAST CORNER OF SAID PARCEL 1; THENCE
 20 SOUTH 89°57'52" WEST 209.58 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL 1, AND SAID
 LAFCO 2634 BOUNDARY TO THE WESTERLY PROLONGATION OF SAID NORTHERLY LINE OF PARCEL 1
 TO THE CENTERLINE OF RAMONA AVENUE, ALSO BEING A POINT ON THE WEST LINE OF THE
 SOUTHEAST QUARTER OF SAID SECTION 34, AND A POINT ON SAID ANNEXATION NO. 20 ; THENCE
 LEAVING SAID LAFCO 2634 BOUNDARY
 21 NORTH 00°02'51" WEST 1152.56 FEET ALONG THE CENTERLINE OF SAID RAMONA AVENUE AND
 ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER, TO THE EASTERLY PROLONGATION OF THE
 SOUTHERLY LINE OF TRACT NO. 9100, RECORDED IN BOOK 125, PAGES 71 AND 72 OF MAPS IN THE
 OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE LEAVING SAID WEST LINE OF THE
 SOUTHEAST QUARTER
 22 NORTH 89°58'36" WEST 660.62 FEET ALONG SAID EASTERLY PROLONGATION TO THE SOUTHEAST
 CORNER OF SAID TRACT NO. 9100; THENCE
 23 NORTH 00°02'28" WEST 660.20 FEET ALONG THE EAST LINE OF SAID TRACT NO. 9100 AND THE
 EAST LINE OF SAID ANNEXATION NO. 20 TO THE NORTHWEST CORNER OF SAID TRACT NO. 9100,
 ALSO BEING THE SOUTHEAST CORNER OF LAFCO 2604 BOUNDARY, AND THE SOUTHEAST CORNER
 OF TRACT NO. 14373, RECORDED IN BOOK 245, PAGES 59 AND 60 OF MAPS IN THE OFFICE OF THE
 COUNTY RECORDER OF SAID COUNTY; THENCE LEAVING SAID ANNEXATION NO. 20
 24 NORTH 00°02'28" WEST 660.20 FEET ALONG THE EAST LINE OF SAID TRACT NO. 14373 AND THE
 EAST LINE OF SAID LAFCO 2604 BOUNDARY TO THE CENTERLINE OF FRANCIS AVENUE, AS SHOWN
 ON SAID TRACT NO. 14373, ALSO BEING THE NORTHEAST CORNER OF SAID LAFCO 2604 BOUNDARY
 AND A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE
 25 NORTH 89°59'25" WEST 330.24 FEET ALONG THE CENTERLINE OF SAID FRANCIS AVENUE, THE
 NORTH LINE OF SAID TRACT NO. 14373, AND THE NORTH LINE OF SAID LAFCO 2604 BOUNDARY TO
 THE NORTHWEST CORNER OF SAID TRACT 14373 AND THE NORTHWEST CORNER OF SAID LAFCO
 2604 BOUNDARY; THENCE LEAVING SAID TRACT NO. 14373 AND SAID LAFCO 2604 BOUNDARIES
 26 NORTH 89°59'25" WEST 330.24 FEET ALONG THE CENTERLINE OF SAID FRANCIS AVENUE, AND THE
 SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34 TO THE POINT OF BEGINNING.

CONTAINING 144.80 ACRES, MORE OR LESS

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

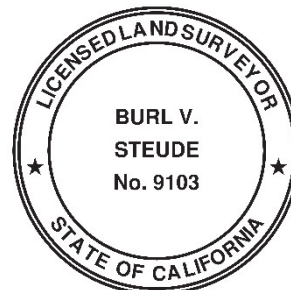


06/03/2024

BURL V. STEUDE

DATE

PLS 9103



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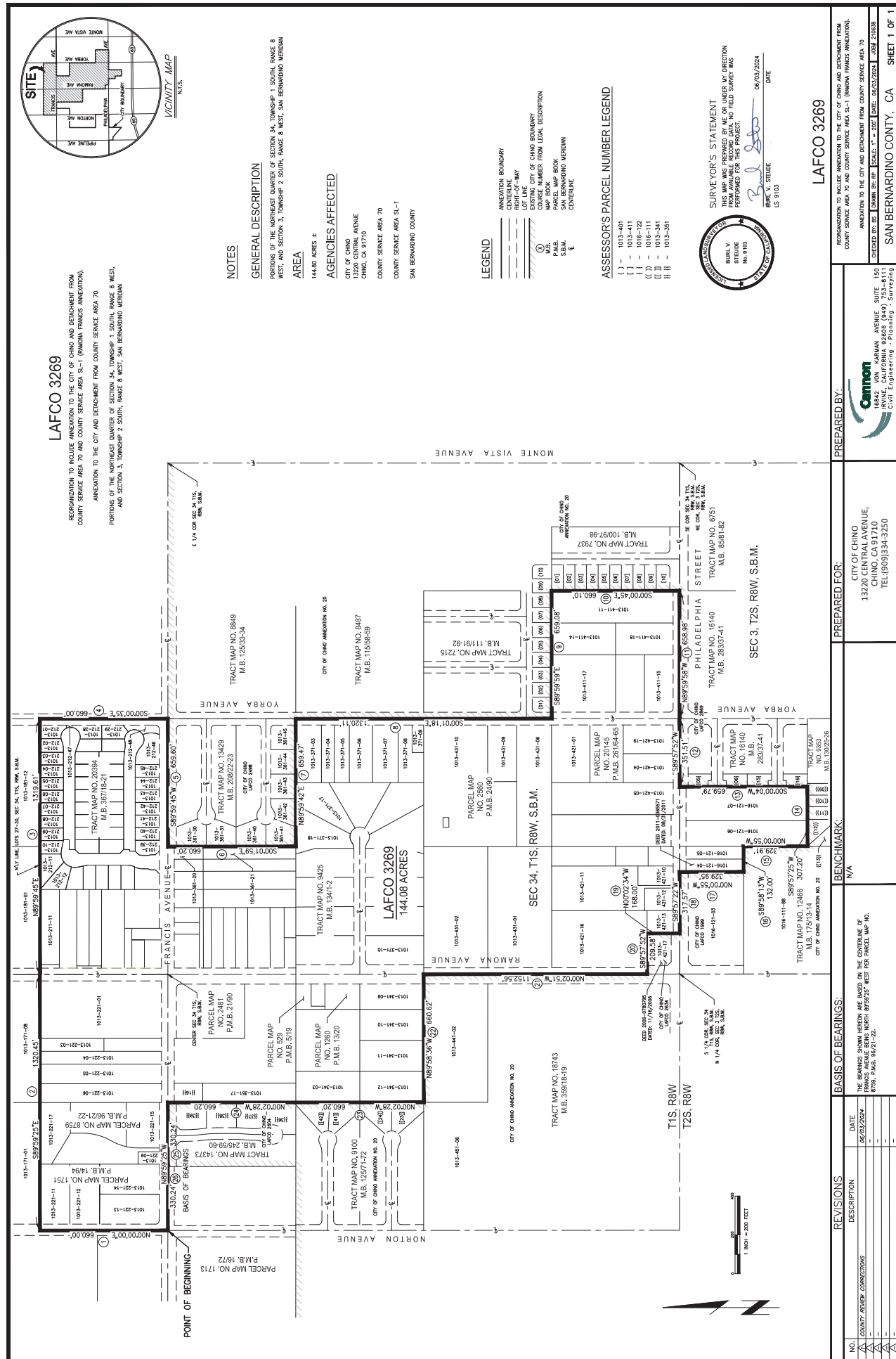


EXHIBIT "A"

LAFCO 3269

LEGAL DESCRIPTION

REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF CHINO AND DETACHMENT FROM COUNTY SERVICE AREA 70 AND COUNTY SERVICE AREA SL-1 (RAMONA FRANCIS ANNEXATION)

DETACHMENT FROM COUNTY SERVICE AREA SL-1

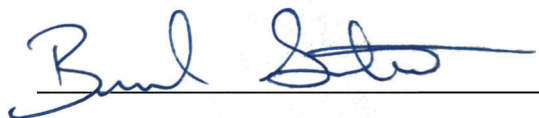
THOSE PARCELS OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 8 WEST, SAN BERNARDINO MERIDIAN, IN SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID SOUTHEAST QUARTER AND ALSO ON THE CENTERLINE OF RAMONA AVENUE, SAID POINT ALSO BEING ON THE NORTHWEST CORNER OF TRACT NO. 9425, RECORDED IN BOOK 134, PAGES 1 AND 2 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, SAID POINT ALSO BEING ON THE NORTHWEST CORNER OF THE EXISTING BOUNDARY OF LAFCO 1847, ADOPTED OCTOBER 30TH, 1978, PER RESOLUTION 78-272, BEING SOUTH 00°22'15" EAST 660.23 FEET FROM THE CENTER OF SAID SECTION 34 AND THE CENTERLINE INTERSECTION OF SAID RAMONA AVENUE AND FRANCIS AVENUE AS SHOWN ON SAID TRACT MAP NO. 9425, THENCE LEAVING SAID WESTERLY LINE AND SAID RAMONA CENTERLINE;

- 1 NORTH 89°39'44" EAST 989.24 FEET ALONG THE NORTHERLY LINE OF SAID TRACT 9425; THENCE
- 2 SOUTH 00°21'15" EAST 660.12 FEET ALONG THE EASTERLY LINE OF SAID TRACT 9425; THENCE
- 3 SOUTH 89°39'24" WEST 989.05 FEET ALONG THE SOUTHERLY LINE OF SAID TRACT 9425 TO THE CENTERLINE OF SAID RAMONA STREET, SAID POINT ALSO BEING ON THE CITY OF CHINO BOUNDARY PER ANNEXATION NO. 20; THENCE, LEAVING SAID CITY BOUNDARY,
- 4 NORTH 00°21'15" WEST 660.22 FEET ALONG THE CENTERLINE OF SAID RAMONA STREET TO THE **POINT OF BEGINNING.**

AREA CONTAINS 14.99 ACRES, NORE OR LESS

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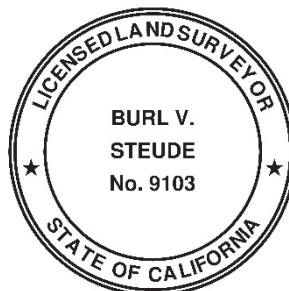


07/11/2024

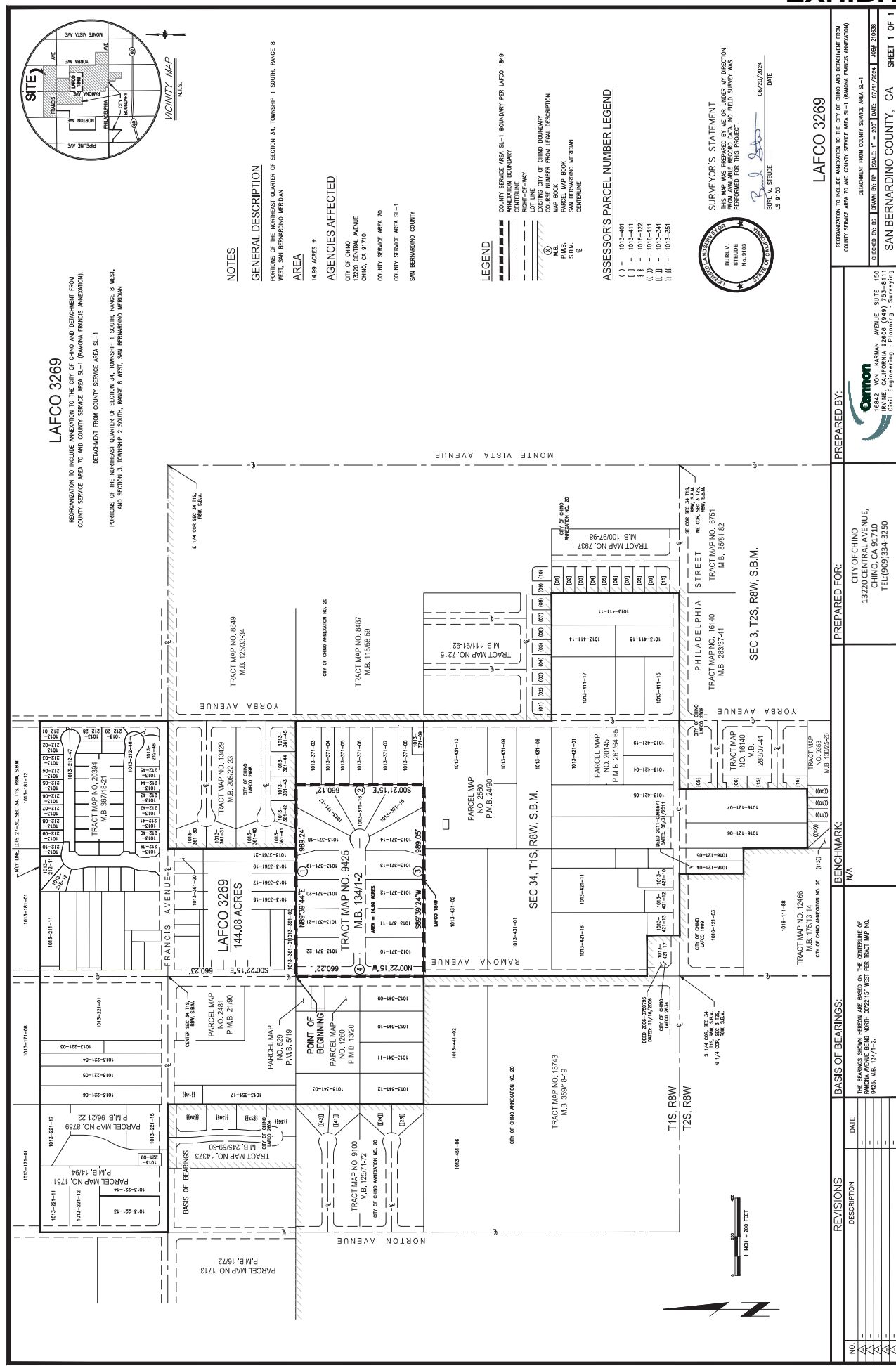
BURL V. STEUDE

DATE

PLS 9103



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LAFCO 3269

REORGANIZATION TO INCLUDE ANNEXATION TO THE CITY OF CHINO AND DETACHMENT FROM COUNTY SERVICE AREA 70 AND COUNTY SERVICE AREA SL-1 (RAMONA FRANCIS ANNEXATION), PORTIONS OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 8 WEST, AND SECTION 3, TOWNSHIP 2 SOUTH, RANGE 8 WEST, SAN BERNARDINO MERIDIAN

NOTES

GENERAL DESCRIPTION

PORTIONS OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 1 SOUTH, RANGE 8 WEST, SAN BERNARDINO MERIDIAN

AREA

14.99 ACRES ±

AGENCIES AFFECTED

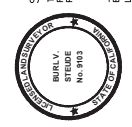
- CITY OF CHINO
- 13220 CENTRAL AVENUE
- CHINO, CA 91710
- COUNTY SERVICE AREA 70
- COUNTY SERVICE AREA SL-1
- SAN BERNARDINO COUNTY

LEGEND

- COUNTY SERVICE AREA SL-1 BOUNDARY FOR LAFCO 1849
- CENTRAL AVENUE
- RIGHT-OF-WAY
- EXISTING CITY OF CHINO BOUNDARY
- COURSE NUMBER FROM LEGAL DESCRIPTION
- PARCEL MAP BOOK
- SAN BERNARDINO MERIDIAN
- CENTRELINE

ASSESSOR'S PARCEL NUMBER LEGEND

- () - 1013-401
- () - 1013-411
- () - 1016-122
- () - 1016-111
- () - 1013-341
- () - 1013-351



SURVEYOR'S STATEMENT
THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION FROM AVAILABLE RECORDED DATA. NO FIELD SURVEY WAS PERFORMED FOR THIS PROJECT.

DATE: 06/20/2024
DRAWN BY: [Signature]
LS 9103

LAFCO 3269

| REVISIONS | | BASIS OF BEARINGS | | BENCHMARK | | PREPARED BY: | |
|-----------|-------------|-------------------|--|-----------|--|--------------|--|
| NO. | DESCRIPTION | DATE | | | | | |
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|--|--|--|--|---|--|
| CITY OF CHINO 13220 CENTRAL AVENUE, CHINO, CA 91710 TEL: (909) 334-3250 | | CITY OF CHINO 150 16842 VON KARMAN AVENUE SUITE 150 IRVINE, CALIFORNIA 92618 (949) 753-8111 SUNITE 150 SUITE 150, 150193, 150193, 150193 | | DEPARTMENT FROM COUNTY SERVICE AREA SL-1 COUNTY SERVICE AREA 70 AND COUNTY SERVICE AREA SL-1 (RAMONA FRANCIS ANNEXATION) | |
| CREATED BY: [Signature] | | DATE: 07/17/2024 | | SHEET 1 OF 1 | |

FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490
(909) 388-0480 • Fax (909) 388-0481
lafco@lafco.sbcounty.gov
www.sbclafco.org

DATE: SEPTEMBER 11, 2024
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Assistant Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #8: Update of the Barstow Cemetery District

RECOMMENDATIONS:

Staff recommends that the Commission take the following actions:

1. Receive and file the update of the Barstow Cemetery District.
2. Direct staff to return to the Commission at its March 19, 2025 meeting with an update.

BACKGROUND:

Historically, the Barstow Cemetery District ("District") has had challenges providing sustainable cemetery services to the Barstow community and surrounding areas. During 2022 and 2023 the challenges reached a critical level, resulting in the inability to provide effective and efficient cemetery services.

In January 2024, the Commission received the special study, with the following objectives:

- 1) Identify the strengths, weaknesses, opportunities, and threats of the District and its cemetery services.
- 2) Review options available for sustainable service delivery.
- 3) Review options available should the District not be able to provide sustainable service delivery.

The Commission's direction to its staff, with a request to the County, was to provide the District with the mechanisms to promote sustainability and adherence to the new standard due to the woven statutory measures that place the board of supervisors and county treasurer as the governing body and treasurer, respectively, of a public cemetery district

should the county desire to do so. The hope is that these actions would support sustainability and the hopeful result would be to recruit and retain competent board members, retain a competent general manager, recruit and retain competent grounds crew, obtain the correct equipment for the task, implementation of a policy and procedure manual with internal controls, as well as continual professional training in governance, finance, and cemetery operations.

Subsequently, the Commission directed staff to return in May with an update. At that meeting, the Commission requested the District general manager to provide LAFCO with its business plan, specifically related to finances and operations, and to return with an update at the Commission's September meeting.

SEPTEMBER 2024 UPDATE:

As requested by the Commission, the District has provided its short-term and long-term goals and includes: the goal, method, benefit, and estimated completion (attached to this staff report).

LAFCO staff's analysis is that the District has made great strides since July 2023, when it replaced the general manager with a consultant with subsequent hiring of the position in October. The County and California Special Districts Association have been helpful with providing training and assistance. It appears that the mechanisms are in place for sustainability. Nonetheless, this iteration of the District is nascent, and more time is needed to ensure efficient and effective service delivery. Therefore, staff recommends that the Commission direct staff to return with a second update at its March 19, 2025 meeting.

Attachment

SM/MT

1 Year Goals

Office Related Goals

- 1 Year No new workers Comp Claims
Reducing risk for employees to be put in situations of compromised safety by providing proper PPE and safety training
 - Reduce insurance premiums and allow us to bundle our insurances together saving costs to the Cemetery
 - Goal Date August 2024
- Scheduled Safety Training
By using resources from State Fund and CSDA to do biweekly safety training
 - It will provide employees with understanding and information on how to be safe at work. This will help with employee retention and reducing workers' comp claims. Showing proof of training will also help reduce insurance premiums, saving money for the Cemetery to allocate to other projects.
 - Goal Date July 2024
- Create internal cash handling procedures
Using resources that show successful procedures that (can be applied to smaller staff) have been put into place for financial departments in the county and city. Implementing these procedures and making them standard everyday use for office personnel.
 - Reduce inconsistencies in office personnel and how the money is being handled internally. The Board and office staff will have the same understating and knowledge of what is being done with the money to make keeping track and accountability an easier process.
 - Goal Date September 2024
- Building the Preneed Fund
Using a spreadsheet to enter in accurate money collected for this account specifically (each account has spreadsheet). That money then being deposited into the specific account rather than the general fund to be used for other expenses. By having an accurate and current running preneed balance sheet we can send out invoices for missed payments.
 - This allows the money to be available in the account when the time comes for that individual to come into our care. The money can then be moved over into the general account to cover the expenses of that service. This alleviates the necessity to use money that is for other operational expenses to be used. This is also where refunds should be issued to customers who have a site and have decided they will not need it and can sell it back to the Cemetery since that money should have been stored there till the time of their service.
 - Goal Date July 2025

Grounds Related Goals

- **Complete Tree Removal**
Putting out bid to contractors through public forums required but Mojave Water Agency. After job is awarded working closely with the chosen contractor to make sure that tree removal is completed on time while meeting set expectations of quality of work.
 - With this complete it will not be needed in each section as the landscaping continues and will make the process of completing each section move more quickly and smoothly. This will also show the community that we are serious about the landscaping project and getting it completed as soon as possible.
 - Goal Date September 2024
- **Start next Block of Landscaping**
Completing the tree removal phase and having the invitation to bid ready to be published as soon as the trees have been removed. Getting the bid out as quickly as possible will allow the bid to be awarded and the next block section to begin on the project.
 - This will help movement towards completing the project under the timeline set by the Mojave Water Agency. This will also show progress to the community and allow us to complete other goals set for the sections as they get completed like setting out the public benches.
 - Goal Date October 2024
- **Improve the Veterans Section**
Adding new monuments or statues for memorial, including local artists in a mural for the military, updating the existing monument with new flag poles, creating a new section for veterans in the image of Arlington Cemetery. Using funds and donations from the community, grants for veteran's affairs, and funds from the Cemetery as we gain financial stability.
 - Give a place that the Veterans of our community feel they want to be placed. This would increase revenue and show our support for our Veterans. This will continue to grow the bond with the community and give them a place to properly honor the Veterans and their families.
 - Goal Date May 2025
- **Start to give all sites flower vases**
This may require some help from donations as well as getting to a state of financial stability. In the meantime we are able to get temporary vases while we accumulate the funds that would be needed to make this happen.
 - Families have been buying vases for loved one's sites only to have them taken by another who has probably not paid for their own or has had theirs also stolen. This would create equality for everyone to be able to show their loved one's respect. This will hopefully reduce the number of stolen vases. This is another way for us to build with the community and show them our support and care.
 - Goal Date July 2025

5 Year Goals

Office Related Goals

- Digitize payments and documents
Using time management to understand when we have availability to work on scanning documents, naming them, and adding them to their customer file.
 - Make accessing customer information a smoother process. Helps staff to find client information and have accurate records for the clients and their loved ones. This will also help the Cemetery in the future if there is a change in staff to be able to more smoothly and easily transition into the position.
 - Goal Date 2026

- Financial Stability
Getting the Cemetery to a point where we have the most effective and efficient equipment and staff. At that point we can begin cutting costs and lowering frivolous spending. If we tighten up for a few years while still being able to provide necessary needs to grounds and workers, we can build in the account and be able to have a reserve of funds.
 - Give the Cemetery room for expenses that are not typical or emergency. This will also allow for room to invest in the grounds from monuments, shades, and columbarium's which would produce more revenue.
 - Goal Date 2027

- Transition all customer information into Cemsites
Using time management to hand enter all documents and payments from customers when there is time available. Adding new clients and customers who come into our care properly the first time into the system along with all supporting documents.
 - This goes hand in hand with the digitizing of documents. This will make the customer information easier to access and new customers will be accurate with proper notation on files and information anyone in the future will easily be able to find and access. This also allows the community to more easily find their loved ones without the use of the staff opening their time to continue with other tasks.
 - Goal Date 2026

- 5 Years No new workers Comp Claims
Reducing risk for employees to be put in situations of compromised safety by providing proper PPE and safety training
 - Reduce insurance premiums and allow us to bundle our insurances together saving costs to the Cemetery
 - Goal Date 2029

Grounds Related Goals

- Complete Landscaping Project

By setting realistic timelines and staying on top of working with the Mojave Water Agency for what they require to move on from phase to phase. Preemptively getting bids and contracts ready to move forward as one phase is coming to completion. This includes reapplying for Grant when time comes.

- Show the community that the Cemetery staff and Board care about the aesthetic of the grounds where their loved ones are placed. This will build a stronger relationship with the community and bonds of trust that we keeping to our promises. The landscaping will also help cute necessity for maintenance and some equipment or tools to help reduce costs to the facility.
- Goal Date 2026

- Build Columbarium

By reserving our income so when we have the money, we can comfortably build a columbarium without putting the Cemetery at risk of not being able to pay operational expenses. Reaching out to available Grants and donations when they present themselves.

- This would give the Cemetery another source of income they would be able to charge for as well as at to the grounds by putting something attractive for the community and loved ones to visit. Improvement of the grounds will help with showing the community how we care.
- Goal Date 2028


- Building/ Purchasing a pergola

Money can be put into this when the Cemetery has reached financial stability and has funds available or through money collected through donation from other groups.

- This will provide a place where services can be performed with covering for the families. This will reduce the need for additional canopies that can be damaged by wind, sun, and time that need to be replaced often. Or the lack of a canopy when the weather conditions do not permit one due to safety. This would be a solid consistent structure.
- Goal Date 2027

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : SEPTEMBER 11, 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:

In July, staff provided the Commission with an update on the Daggett Community Services District (“CSD”) water system. Below is the summary from that update.

The 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.

The situation in Daggett continues in its challenged state. The State Waterboard issued a notice that it is taking the first step to designate Daggett CSD as a public water system in need of an Administrator because it has not consistently provided an adequate supply of affordable, safe drinking water to its customers. Specifically, the notice identifies two violations to support its action:

- Failure to comply with maximum contaminant levels of uranium.

- Failure to demonstrate adequate technical, managerial, and financial capacity to maintain and operate the water system in accordance with the CA Safe Water Drinking Act.


The State Water Board is taking this step now, so that a State funded administrator will be able to take on many of the tasks that will be required to assist the water system into coming into compliance with applicable drinking water laws and regulations sustainably into the future.

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

SM/MT

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DATE: SEPTEMBER 11, 2024 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #10 – PENDING LEGISLATION

RECOMMENDATION:

Staff recommends that the Commission take the following actions:

1. Ratify the action of the Commission Chair in submitting a letter dated August 29, 2024, requesting the Governor to sign SB 1209; and,
2. Receive the Legislative Report and file.

BACKGROUND:

As identified, SB 1209 (Cortese) 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. Therefore, the bill amends State law that explicitly authorizes LAFCOs to require applicants, as a condition for processing an application, to indemnify LAFCOs against litigation.

In April, the Commission adopted a support position for SB 1209 and forwarded its letter of support to the Legislature. Since that time, the bill has been amended due to concerns raised by the California Building Industry Association (CBIA) to Senator Cortese's office. The new language clearly states that LAFCO will only be indemnified for actions approved by LAFCO whereas the prior language indemnified LAFCO for any action or determination. While it is not what was initially proposed, the revised version of the bill is still a path forward.

CALAFCO has been working on this indemnification bill for over two years, an effort endorsed by the CALAFCO Legislative Committee and the CALAFCO Board of

Directors. SB 1209 has had the unanimous support of both the Assembly and Senate Local Government Committees as well as all floor votes in both chambers. There wasn't a single opposition in the legislative record. The bill was approved on concurrence in the Senate with a vote of 39-0 and has been enrolled and presented to the Governor for signature.

However, at the very last moment, San Luis Obispo LAFCO sent in a Letter of Opposition (see Attachment #1) requesting that the Governor veto the bill.

Given the opposition letter from San Luis Obispo LAFCO, it was critical to gather support for the bill among the other LAFCOs. Therefore, staff reached out to Chair Warren to sign San Bernardino LAFCO's support for the indemnification bill. On August 29, the attached Request for Signature Letter (see Attachment #2) was forwarded to the Governor. As of the date of this writing, 29 LAFCOs have sent letters to the Governor requesting that he sign SB 1209.

At this time, the action requested of the Commission is to ratify the action of the Chair in sending the letter requesting the Governor to sign SB 1209 and to note and file receipt of this report.

Attachments:

1. [Letter of Opposition from San Luis Obispo LAFCO Dated August 27, 2024](#)
2. [Letter of Support Signed by Chair Warren Requesting the Governor Sign SB 1209](#)
3. [Senate Bill 1209](#)



LAFCO - San Luis Obispo - Local Agency Formation Commission

SLO LAFCO - Serving the Area of San Luis Obispo County

August 27, 2024

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ROB FITZROY
Executive Officer

IMELDA MARQUEZ-VAWTER
Analyst

MORGAN BING
Clerk Analyst

BRIAN A. PIERIK
Legal Counsel

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: OPPOSITION TO SB 1209

Dear Governor Newsom:

The San Luis Obispo Local Agency Formation Commission (SLO LAFCO) possesses a unique understanding of this issue and is **opposed** to SB 1209 as currently amended but supports the original text of SB 1209. SLO LAFCO was a party in the lawsuit *San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach* (2021) 61 Cal. App. 5th 595, filed after a denial of an application by LAFCO, in which the Court held that LAFCO did not have the legal authority to require an applicant to defend and indemnify LAFCO. This lawsuit necessitated SB 1209.

The amendments to SB 1209 contradict its original intent. Originally, the bill aimed to ensure that all LAFCOs receive indemnification regardless of whether they approve or deny a proposal. However, the amended bill now provides indemnification only if a LAFCO approves a proposal.

This change undermines LAFCOs' authority and their role as decision-making bodies. As amended, SB 1209 places LAFCOs in a vulnerable legal position if their decision is to deny a proposal based on its merits. In contrast, nearly every other local agency in California has the authority to require indemnification regardless of its decision. The amended bill effectively prevents LAFCOs from requiring indemnification unless they approve a proposal.

The key amendment we oppose is the removal of original text stating that LAFCOs are indemnified from claims "from or relating to the action or determination by the commission," which was replaced with text stating that LAFCOs are indemnified from claims "to attack, set aside, void, or annul an approval by the commission."

For these reasons, we are opposed to SB 1209 and urge you to veto the bill.

On behalf of the San Luis Obispo Local Agency Formation Commission,

Rob Fitzroy
Executive Officer

cc: State Senator Cortese
State Senator Laird
Assembly Member Dawn Addis
California Association of Local Agency Formation Commissions (CALAFCO)
SLO LAFCO Commission



LAFCO

**Local Agency
Formation Commission**
for San Bernardino County

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Public Member

KEVIN KENLEY
Special District

DAWN ROWE
Board of Supervisors

EXECUTIVE OFFICER

SAMUEL MARTINEZ

LEGAL COUNSEL

PAULA DE SOUSA

August 29, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

RE: **SB 1209** (Cortese): Local agency formation commission: indemnification -
REQUEST FOR SIGNATURE

Dear Governor Newsom:

The Local Agency Formation Commission for San Bernardino County respectfully requests your signature on SB 1209, which would authorize a Local Agency Formation Commission (LAFCO) to require an applicant to indemnify the LAFCO, its agents, officers, and employees from and against any claim, action, or proceeding that may stem from a LAFCO decision to approve an application.

Specifically, SB 1209 adds new language to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (The Act) that authorizes LAFCOs to enter into indemnification agreements with applicants. Counties and cities are already empowered to enter into, and require, indemnification and routinely do so with respect to discretionary land-use approvals. SB 1209 will provide LAFCOs with a similar authority in this situation.

This bill is in response to a 2022 decision of the Second District Court of Appeals, which found that existing State law does not provide LAFCOs with the explicit authority needed to require indemnification. Absent an indemnification authority - and because LAFCO funding is statutorily required from the county, cities, and special districts within a county - any costs to defend litigation end up being absorbed by a LAFCO's funding agencies. Consequently, SB 1209 will allow LAFCOs to use indemnification agreements which, in turn, will ensure they can meet their statutory obligations and make decisions without being hindered by the potential costs of defending lawsuits.

Thus, for the above reasons, San Bernardino LAFCO respectfully requests that you sign SB 1209.

Yours sincerely,

ACQUANETTA WARREN
Chair

cc: Honorable Dave Cortese, California State Senate
Brady Borchering, Deputy Legislative Secretary to the Governor
René LaRoche, Executive Director, CALAFCO
San Bernardino County Legislative Delegation



SB-1209 Local agency formation commission: indemnification. (2023-2024)

Current Version: 08/28/24 - Enrolled Compared to Version: 08/28/24 - Enrolled [Compare Versions](#) ⓘ

ENROLLED AUGUST 28, 2024

PASSED IN SENATE AUGUST 26, 2024

PASSED IN ASSEMBLY AUGUST 22, 2024

AMENDED IN ASSEMBLY JUNE 11, 2024

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

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, 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, 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 Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 56383.5 is added to the Government Code, to read:

56383.5. (a) The commission may require, as a condition for processing a change of organization or reorganization, a sphere amendment or a sphere update, or any other action or determination requested from the commission, that the applicant agrees to defend, indemnify, and hold harmless the commission, its agents, officers, and employees from any claim, action, or proceeding against the commission, its agents, officers, or employees to attack, set aside, void, or annul an approval by the commission.

(b) (1) An agreement to defend, indemnify, and hold harmless entered into pursuant to subdivision (a) shall require the commission to promptly notify the applicant of any claim, action, or proceeding to attack, set aside, void, or annul an approval by the commission and shall require the commission to cooperate fully in the defense.

(2) An applicant who is a party to an agreement to defend, indemnify, and hold harmless entered into pursuant to subdivision (a) shall not be responsible to defend, indemnify, or hold harmless if the commission fails to notify the applicant or cooperate fully in the defense pursuant to paragraph (1).

(c) An applicant who is a party to an agreement to defend, indemnify, and hold harmless entered into pursuant to subdivision (a) shall not be required to pay or perform any settlement relating to the agreement, unless the applicant approves the settlement.


(d) Nothing in this section shall be construed to prohibit the commission from participating in the defense of any claim, action, or proceeding to attack, set aside, void or annul an approval by the commission if both of the following conditions are met:

(1) The commission bears its own attorney's fees and costs of the claim, action, or proceeding.

(2) The commission defends the claim, action, or proceeding in good faith.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: SEPTEMBER 11, 2024
FROM: SAMUEL MARTINEZ, Executive Officer 
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #11: EXECUTIVE OFFICER'S REPORT

REMINDER – MEETING SCHEDULE:

Please note the meeting schedule for the remainder of the calendar year:

- October 16 - No LAFCO meeting due to CALAFCO Conference on same week.
- November 20
- December 18 - No LAFCO meeting scheduled.

NEW LAFCO OFFICE:

LAFCO staff has officially moved into the new LAFCO Office located at the Norton Regional Event Center building. The new LAFCO Office address is 1601 E. 3rd Street, Suite 102, San Bernardino, CA 92415-0490.

AWARDS:

San Bernardino LAFCO recently received the "President's Special Acknowledgement Award" from the Special District Risk Management Authority (SDRMA) to acknowledge the Commission and its staff towards proactive risk management and loss prevention training. The award is to recognize members with no paid claims during the prior five consecutive program years in SDRMA's Workers' Compensation Program. This excellent safety record and the lack of claims reduces the Commission's annual contribution amount for both Workers' Comp and Property/Liability.

Attached is a copy of the award certificate.

**UPDATES ON PROPOSALS INCLUDING SERVICE REVIEWS/SPECIAL STUDIES, AND
SPHERE OF INFLUENCE AMENDMENTS/UPDATES**

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

Reconsideration period ended. Protest Hearing scheduled for October 2, 2024, at the City of Chino Council Chambers.

- LAFCO 3270 – Annexation to the Cucamonga Valley Water District

Scheduled for consideration on November 20, 2024.

UPDATES ON OUT-OF-AGENCY SERVICE CONTRACT DELEGATED TO THE EO:

- LAFCO SC #530 - City of Chino Covenant Agreement to Annex for Sewer Service (APN 1016-071-05)

The City of Chino submitted a request for authorization to provide sewer service to an existing single-family residence that includes a proposed accessory dwelling unit on said parcel.

- LAFCO SC #531 - West Valley Water District Extra-Territorial Service Agreement for Temporary Water Service (215 Table Top, LLC)

The West Valley Water District submitted a request for authorization to provide temporary water service for pre-construction activities related to the Oasis at Glen Helen Parkway Project. Authorization was issued on August 16, 2024. Water service will eventually be provided to the Project through a future sphere of influence expansion and annexation of the entire Project prior to issuance of building permits.

CALAFCO ANNUAL CONFERENCE:

As a reminder, the 2024 CALAFCO Annual Conference will be held at the Tenaya Lodge near Yosemite from Wednesday, October 16 to Friday, October 18.

SOUTHERN REGION LAFCOs:

The Southern Region LAFCOs met virtually on August 28. Chair Warren, Commissioner Cox, Commissioner Farrell, and LAFCO staff attended the meeting.

STAFF SITE VISITS:

Staff made a site visit to the Barstow Cemetery District August 27, 2024.

Attachment: SDRMA President’s Special Acknowledgement Award



President's Special Acknowledgement Award

The President of the Special District Risk Management Authority

Hereby gives special recognition to

Local Agency Formation Commission for San Bernardino County

The President's Special Acknowledgement Award is to recognize members with no "paid" claims during the prior five consecutive program years in the Workers' Compensation Program. A "paid" claim for the purposes of this recognition represents the first payment on an open claim during that same period. Congratulations on your excellent claims record!

Sandy A. Seifert-Raffelson, SDRMA Board President

August 28, 2024

Date