

# **AGENDA**

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

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

**SPECIAL MEETING OF NOVEMBER 20, 2024**

### **10:00 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 September 18, 2024](#)
3. [Approval of Executive Officer's Expense Report](#)
4. [Ratify Payments as Reconciled and Note Cash Receipts for the Months of August and September 2024](#)
5. Consent Items Deferred for Discussion

#### **PUBLIC HEARING ITEMS:**

6. [Consideration of: \(1\) Review of Mitigated Negative Declaration for a Zone Change from Single Residential – 20,000 Sq. Ft. Minimum Lot Size \(RS-20M\) to Multiple Residential \(RM\) in Conjunction with a Conditional Use Permit and a Condominium Tentative Tract Map \(TTM 20481\) for a 181-Unit Multi-Family Condominium Complex on a Total of Approximately 12.6 Acres, as CEQA Responsible Agency for LAFCO SC#532; and \(2\) SC#532 -- City of Rialto Extraterritorial Wastewater Service Agreement \(Avila Collection, LLC\)](#)
7. [Consideration of \(1\) CEQA Exemption for LAFCO 3270; and \(2\) LAFCO 3270 - Annexation to the Cucamonga Valley Water District \(Southeastern Sphere of Influence\)](#)

8. Consideration of: (1) CEQA Exemption for LAFCO 3272; and (2) LAFCO 3272 – Service Review for the Big River Community Services District

**DISCUSSION ITEMS:**

9. First Quarter Financial Review for FY 2024/25
10. Report to the Legislature on Government Code Section 56133.5 Pilot Program
11. Review and Consider Continuation of Membership with CALAFCO

**INFORMATION ITEMS:**

12. Legislative Update Report
13. Executive Officer's Report
14. 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 1601 E. 3rd Street, Suite 102, San Bernardino, during normal business hours, on the LAFCO website at [www.sbclafco.org](http://www.sbclafco.org).

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

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

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

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

10/9/24:as

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

**REGULAR MEETING**

**9:00 A.M.**

**SEPTEMBER 18, 2024**

**PRESENT:**

**COMMISSIONERS:**

**Regular Member**

Joe Baca  
Jim Bagley  
Kimberly Cox  
Phill Dupper  
Steven Farrell  
Acquanetta Warren

**Alternate Member**

Jesse Armendarez  
Rick Denison  
Jim Harvey  
Kevin Kenley

**STAFF:**

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

**ABSENT:**

**Regular Member**

Curt Hagman

**Alternate Member**

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –  
9:06 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

**ANNOUNCEMENT OF CONTRIBUTIONS**

**1. Comments from the Public**

Joe Gomez, Former Mayor, City of Barstow

**CONSENT ITEMS:**

**2. Approval of Minutes for Regular Meeting of July 17, 2024**

**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.

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

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

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

#### **PUBLIC HEARING ITEMS:**

#### **6. LAFCO SC#529 – City of Rialto Extraterritorial Wastewater Service Agreement (Shorecliff Capital, LLC)**

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 the 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 the 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.



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

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

**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)**

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 for the Commission's findings and determinations concerning this proposal.

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

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

**INFORMATION ITEMS:**

**8. Update on Barstow Cemetery District**

Recommendation: Staff recommends 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.

*Presenters: David R. Maya*

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

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

**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 that staff return in November and provide update to the Commission.*

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

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

**10. Legislative Update**

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.

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

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

#### 11. Executive Officer's Report

Executive Officer Sam Martinez reminds the Commission that there will be no October hearing due to the conference. He also states that LAFCO has officially moved into the building and thanks staff for their patience with the move.

#### 12. Commissioner Comments

There is none.

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:08 A.M**

ATTEST:

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


LOCAL AGENCY FORMATION COMMISSION

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

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE :** NOVEMBER 12, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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

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## **RECOMMENDATION:**

Approve the Executive Officer's Expense Report for Procurement Card Purchases from August 23, 2024 to September 23, 2024 and September 23, 2024 to October 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:

- August 23, 2024 to September 23, 2024
- September 23, 2024 to October 22, 2024

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

SM/AS

Attachments



## PROCUREMENT CARD PROGRAM


## ATTACHMENT G

## MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period 8/23/24 to 9/23/24	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX INCL
08/28/24	Thomas West	1	Law Library Updates	Law Library Updates	8900005012	52002080	\$345.18		R	
09/11/24	Thomas West	2	Law Library Updates	Law Library Updates	8900005012	52002080	\$345.18		R	
09/11/24	Frontier Comm	3	Phone Service	Communication	8900005012	52002041	\$649.38		R	
09/11/24	Amazon	4	Office Expense	Mini DisplayPort Cable for Laptop	8900005012	52002305	\$19.56		R	
09/13/24	Zoom	5	Video Conference	Communication	8900005012	52002305	\$17.23		R	
09/19/24	Panera Bread	6	Office Expense	Commission Meeting	8900005012	52002305	\$42.98		R	

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 	11/12/24

Approving Official (Print & Sign)	Date
Acquanetta Warren	11/20/24



## PROCUREMENT CARD PROGRAM


## ATTACHMENT G

## MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

F		Cardholder Samuel Martinez						Travel	Billing Period 9/23/24 to 10/22/2024	
DATE	VENDOR NAME	#	DESCRIPTION	PURPOSE	COST CENTER	G/L ACCOUNT	\$ AMT	TRIP NUMBER	*R/D	SALES TAX INCL
09/23/24	Ventura Publishing	1	Annual Subscription	CA Planning & Dev. Report	8900005012	52002080	\$238.00		R	
10/04/24	Frontier Comm	2	Phone Service	Communication	8900005012	52002041	\$748.20		R	
10/08/24	Thomas West	3	Law Library Updates	Law Library Updates	8900005012	52942080	\$345.18		R	
10/02/24	Zoom	4	Video Conference	Communication	8900005012	52002305	\$17.23			
10/22/24	Tenaya Lodge	5	Tenaya Lodging Fish Camp, CA	CALAFCO Annual Conference	8900005012	CREDIT	\$232.68		R	
10/15/24	Tenaya Lodge	5	Non-hosted dinner during conference for Commrs & staff	CALAFCO Annual Conference	8900005012	52942943	\$220.72		R	
10/21/24	CALAFCO	6	Hotel Rm for A.Warren	CALAFCO Annual Conference	8900005012	52942942	\$506.86		R	
10/18/24	Tenaya Lodge	7	Hotel Rm for Samuel Martinez	CALAFCO Annual Conference	8900005012	52942942	\$781.01		R	
10/18/24	Tenaya Lodge	8	Hotel Rm for Jim Bagley	CALAFCO Annual Conference	8900005012	52942942	\$527.61		R	
10/18/24	Tenaya Lodge	9	Hotel Rm for Michael Tuerpe	CALAFCO Annual Conference	8900005012	52942942	\$527.61		R	
10/18/24	Tenaya Lodge	10	Hotel Rm for Jim Harvey	CALAFCO Annual Conference	8900005012	52942942	\$527.61		R	
10/18/24	Tenaya Lodge	11	Hotel Rm for Arturo Pastor	CALAFCO Annual Conference	8900005012	52942942	\$527.61		R	
10/18/24	Tenaya Lodge	12	Hotel Rm for Kimberly Cox	CALAFCO Annual Conference	8900005012	52942942	\$527.61		R	

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 	11/12/24

Approving Official (Print & Sign)	Date
Acquanetta Warren	11/20/24

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE :** NOVEMBER 13, 2024  
**FROM:** SAMUEL MARTINEZ, Executive Officer   
**TO:** LOCAL AGENCY FORMATION COMMISSION

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

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## **RECOMMENDATION:**

Ratify payments as reconciled for the months of August and September 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:

- August 1 through August 31, 2024
- September 1 through September 30, 2024

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

SM/MT

Attachment





AUGUST 2024 PAYMENTS PROCESSED									
Document Number	Account		Posting Date	Vendor	Invoice	Reference	Amount		
1901832388	5200	2090	08/01/24	Jan Pro	97231	Fee for Janitorial Service month of August 2024	\$	588.00	
1901842448	5200	2180	08/19/24	So Cal Edison	6433-08-09-24	Cust Acct 700099666433 Svc Acct 8002108287	\$	784.59	
1901834524	5200	2305	08/07/24	Stericycle	8008023199	Stericycle/Shred-it Invoice 80080223199	\$	23.40	
1901834522	5200	2315	08/07/24	Vital Records	4371820	Records Storage Summary Vital Records Inv 4371820	\$	130.17	
1901846384	5200	2424	08/27/24	Tom Dodson	LAFCO 24-6	Environmental Consultant CEQA Support	\$	680.00	
1901833371	5200	2445	08/05/24	Rebecca Lowery	26	Invoice for July 16 thru July 31, 2024	\$	498.75	
1901842409	5200	2445	08/19/24	Rebecca Lowery	27	Rebecca Lowery Inv for Aug 1 - Aug 15, 2024	\$	1,246.86	
1901844802	5200	2445	08/22/24	Warren	WARREN8-12-24	Admin Cmte Mtg Aug 12. 2024	\$	200.00	
1901844804	5200	2445	08/22/24	Farrell	FARRELL8-12-24	Admin Cmtg Mtg 8/12/24	\$	200.00	
1901844812	5200	2445	08/22/24	Dupper	DUPPER8-12-24	Admin Cmte Mtg Aug 12. 2024	\$	200.00	
							\$	4,551.77	
AUGUST 2024 COUNTY TRANSFERS PROCESSED									
4103534889	5200	2031	08/01/24	IT		JUL 2024 Payroll System Services (EMACS)	\$	87.24	
4103535244	5200	2032	08/01/24	IT		JUL 2024 Virtual Private Network (VPN)	\$	10.72	
4103534891	5200	2037	08/01/24	IT		JUL 2024 Dial Tone	\$	246.24	
4103534898	5200	2420	08/01/24	IT		JUL 2024 Data Storage and Backup	\$	73.36	
4103534898	5200	2420	08/01/24	IT		JUL 2024 Enterprise Content Management	\$	89.44	
4103534898	5200	2420	08/01/24	IT		JUL 2024 File Sharing Storage	\$	74.34	
4103534898	5200	2420	08/01/24	IT		JUL 2024 Wireless Device (Exchange Active Sync)	\$	15.75	
4103534899	5200	2421	08/01/24	IT		JUL 2024 Desktop Support Services	\$	636.86	
4103534895	5241	2410	08/01/24	IT		IT Infrastructure - Period 2	\$	751.00	
4200138918	5200	2424	08/19/24	Clerk to the Board		NOE - LAFCO SC#530	\$	50.00	
4200139548	5200	2424	08/19/24	Clerk to the Board		NOE - LAFCP SC#531	\$	50.00	
1901837366	5294	2940	08/08/24	Art Pastor		*Trip from 07/15/24 To 07/19/24 to San Diego, ESRI Conf.	\$	136.01	
1901837366	5294	2942	08/08/24	Art Pastor		*Trip from 07/15/24 To 07/19/24 to San Diego, ESRI Conf.	\$	1,081.88	
1901837366	5294	2943	08/08/24	Art Pastor		*Trip from 07/15/24 To 07/19/24 to San Diego, ESRI Conf.	\$	54.94	
1901837366	5294	2946	08/08/24	Art Pastor		*Trip from 07/15/24 To 07/19/24 to San Diego, ESRI Conf.	\$	160.00	
4200139117	5200	2310	08/07/24	Mail		Mail Services - DEL	\$	100.35	
4200139457	5200	2310	08/07/24	Mail		Mail Services - DEL	\$	(100.35)	
4200139648	5200	2310	08/20/24	Mail		Mail Services - DEL	\$	144.95	
4200140115	5200	2323	08/30/24	IT		N20319 - Emacs Reports 7/8/2024	\$	18.96	
4200140115	5200	2323	08/30/24	IT		N20713 - Emacs Reports 7/22/2024	\$	18.65	
2700017742	5200	2085	08/01/24	LAFCO		Account Payable Accrual into FY 2024/25	\$	(1,548.13)	
2700017742	5200	2315	08/01/24	LAFCO		Account Payable Accrual into FY 2024/25	\$	(125.91)	
2700017742	5200	2400	08/01/24	LAFCO		Account Payable Accrual into FY 2024/25	\$	(2,555.10)	
2700017742	5200	2445	08/01/24	LAFCO		Account Payable Accrual into FY 2024/25	\$	(937.50)	
<b>TOTAL</b>							\$	(1,466.30)	
AUGUST 2024 CASH RECEIPTS									
4103524791	4070	9800	08/01/24	215 Table Top, LLC		Service Contract No. 531	\$	634.00	
4103524791	4070	9800	08/01/24	Acosta & Sons Sewer Contractor		Service Contract No. 530	\$	606.00	
<b>TOTAL</b>							\$	1,240.00	



AUGUST 2024 COUNTY TRANSFERRED RECEIVED							
2700018653	4030	8500	08/01/24	Treasury		QE 6/30/2024 INTEREST APPORTIONMENT	\$ (10,610.95)
2700017739	4070	9660	08/01/24	LAFCO		Deferred Revenue from FY 23/24 into FY 24/25	\$ 7,710.34
2700017741	4070	9800	08/01/24	LAFCO		Deferred Revenue from FY 23/24 into FY 24/26	\$ 4,713.50
40809955	4080	9955	08/06/24	Auditor		Wells Fargo Non-Sufficient Funds 8/6/24	\$ (606.00)
TOTAL							\$ 1,206.89
COMPLETED BY: MICHAEL TUERPE Assistant Executive Officer				APPROVED BY: SAMUEL MARTINEZ Executive Officer			
Date: 11/13/2024				11/13/2024			


SEPTEMBER 2024 PAYMENTS PROCESSED						
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount
1901852092	52002905	09/03/24	Inland Valley Dev. Authority	INV0308	Monthly rent -- Office Suite 102	\$ 2,509.00
1901853602	52002445	09/04/24	Rebecca Lowery	28	Invoice for Aug. 16 - Aug. 31, 2024	\$ 997.48
1901853607	52002905	09/04/24	Inland Valley Dev. Authority	INV0351	Monthly rent for using Auditorium - 2024	\$ 405.00
1901857188	52002090	09/10/24	City Comm	UNIT: 150	City Comm Statement Aug 27	\$ 85.00
1901857197	52002090	09/10/24	Inland Valley Dev. Authority	97548	Fee for Janitorial Service month of September 2024	\$ 588.00
1901857201	52002305	09/10/24	Shred-It	8008325046	Regular Service Off Site	\$ 23.50
1901857192	52002895	09/10/24	Konica Minolta	51782826	Service Labor Charge	\$ 250.00
1901861249	52002085	09/17/24	Inland Daily Bulletin	B3847117	Inv B3847117 Notice of Protest Hearing IVDB	\$ 1,484.42
1901861250	52002085	09/17/24	SB County Sun	B3844948	Inv B3844948 Notice of Hearing SB County Sun	\$ 869.40
1901860777	52002400	09/17/24	Best Best Krieger	1005475	Legal Counsel	\$ 254.29
1901860778	52002400	09/17/24	Best Best Krieger	1005476	Legal Counsel	\$ 109.20
1901861246	52002424	09/17/24	Tom Dodsoon	LA-1068-1	Tom Dodson Inv LA-1068-1 CEQA Support 3269	\$ 425.00
1901861247	52002424	09/17/24	Tom Dodsoon	LA-1076-1	Tom Dodson Inv LA-1076-1 CEQA Support SC#529	\$ 595.00
1901860779	52002445	09/17/24	Rebecca Lowery	29	Rebecca Lowery Inv 29 Sept 1 to Sept 15, 2024	\$ 1,023.74
1901862630	52002180	09/19/24	So Cal Edison	6433-09-10-24	Cust#700099666433 SvcAcct#8002108287	\$ 794.32
1901846379	52002305	09/19/24	Crown Printing	120041	LAFCO Business Cards - 6 Names	\$ 429.73
1901845955	52002400	09/19/24	Best Best Krieger	1003201	Legal Counsel	\$ 1,748.01
1901865436	52002085	09/24/24	Chino Champion	B3844943	Notice of Hearing Champion	\$ 2,661.18
1901866292	52002445	09/25/24	Armendarez	ARMEND9-18	Armendarez Stipend Comm Mtg 9-18	\$ 200.00
1901866295	52002445	09/25/24	Baca	BACA9-18	Baca Stipend Comm Mtg 9-18-24	\$ 200.00
1901866297	52002445	09/25/24	Bagley	BAGLEY9-18	Bagley Stipend Comm Mtg 9-18-24	\$ 200.00
1901866305	52002445	09/25/24	Cox	COX9-18	Cox Stipend Comm Mtg 9-18-24	\$ 200.00
1901866308	52002445	09/25/24	Denison	DENISON9-18	Denison Stipend Comm Mtrg 9-18-24	\$ 200.00
1901866310	52002445	09/25/24	Dupper	DUPPER9-18	Dupper Stipend Comm Mtg 9-18-24	\$ 200.00
1901866312	52002445	09/25/24	Farrell	FARRELL9-18	Farrell Stipend Comm Mtg 9-18-24	\$ 200.00
1901866315	52002445	09/25/24	Harvey	HARVEY9-18	Harvey Stipend Comm Mtg 9-18-24	\$ 200.00
1901866317	52002445	09/25/24	Kenley	KENLEY9-18	Kenley Stipend Comm Mtg 9-18-24	\$ 200.00
1901866320	52002445	09/25/24	Warren	WARREN9-18	Warren Stipend Comm Mtg 9-18-24	\$ 200.00
1901866470	52002445	09/25/24	Event Design Lab	09182024	Live Stream Broadcast Package Per Event 9/18 Mtg	\$ 900.00
1901866297	52942940	09/25/24	Bagley	BAGLEY9-18	Bagley Stipend Comm Mtg 9-18-24	\$ 116.58
1901866305	52942940	09/25/24	Cox	COX9-18	Cox Stipend Comm Mtg 9-18-24	\$ 79.06
1901866308	52942940	09/25/24	Denison	DENISON9-18	Denison Stipend Comm Mtrg 9-18-24	\$ 89.64
1901866312	52942940	09/25/24	Farrell	FARRELL9-18	Farrell Stipend Comm Mtg 9-18-24	\$ 24.52
1901866315	52942940	09/25/24	Harvey	HARVEY9-18	Harvey Stipend Comm Mtg 9-18-24	\$ 112.56
1901866317	52942940	09/25/24	Kenley	KENLEY9-18	Kenley Stipend Comm Mtg 9-18-24	\$ 32.42
1901866320	52942940	09/25/24	Warren	WARREN9-18	Warren Stipend Comm Mtg 9-18-24	\$ 26.26
						<b>\$ 18,633.31</b>
SEPTEMBER 2024 COUNTY TRANSFERS PROCESSED						
4103586997	52002031	09/01/24	IT		AUG 2024 Payroll System Services (EMACS)	\$ 58.16
4103586998	52002032	09/01/24	IT		AUG 2024 Virtual Private Network (VPN)	\$ 10.72
4103586972	52002037	09/01/24	IT		AUG 2024 Dial Tone	\$ 246.24
4103586979	52002420	09/01/24	IT		AUG 2024 Data Storage and Backup	\$ 73.36
4103586979	52002420	09/01/24	IT		AUG 2024 Enterprise Content Management	\$ 89.44
4103586979	52002420	09/01/24	IT		AUG 2024 File Sharing Storage	\$ 74.34
4103586979	52002420	09/01/24	IT		AUG 2024 Wireless Device (Exchange Active Sync)	\$ 15.75
4103586980	52002421	09/01/24	IT		AUG 2024 Desktop Support Services	\$ 636.86
4103586976	52412410	09/01/24	IT		IT Infrastructure - Period 3	\$ 751.00

4103566187	52002305	09/09/24	Purchasing		7640205498000001	\$	6.48
4103566187	55405012	09/09/24	Purchasing		7640205498000001	\$	53.96
4103590762	52002305	09/30/24	Purchasing		7641803198000001	\$	17.31
4103590763	52002305	09/30/24	Purchasing		7641474354000001	\$	19.34
4103590762	55405012	09/30/24	Purchasing		7641803198000001	\$	144.29
4103590763	55405012	09/30/24	Purchasing		7641474354000001	\$	161.19
4200140844	52002115	09/19/24	Purchasing		Aug.'24 CalCard	\$	783.00
4200140307	52002415	09/06/24	2025 COWCAP BILL		2024/2025 COWCAP-QTR1	\$	907.00
<b>TOTAL</b>						\$	<b>4,048.44</b>
<b>SEPTEMBER 2024 CASH RECEIPTS</b>							
			NONE				
<b>TOTAL</b>						\$	-
<b>SEPTEMBER 2024 COUNTY TRANSFERRED RECEIVED</b>							
2700019028	40309984	09/01/24	Auditor		GASB 31 Interest Adjustment	\$	9,175.88
<b>TOTAL</b>						\$	<b>9,175.88</b>
COMPLETED BY:	MICHAEL TUERPE			APPROVED BY:	SAMUEL MARTINEZ		
	Assistant Executive Officer				Executive Officer		
	Date:	11/13/2024			11/13/2024		

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

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**DATE:** NOVEMBER 13, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
ARTURO PASTOR, Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** AGENDA ITEM #6: LAFCO SC#532 - City of Rialto Extraterritorial  
Wastewater Service Agreement (Avila Collection, LLC)

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**INITIATED BY:**

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

**RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO SC#532 by taking the following actions:

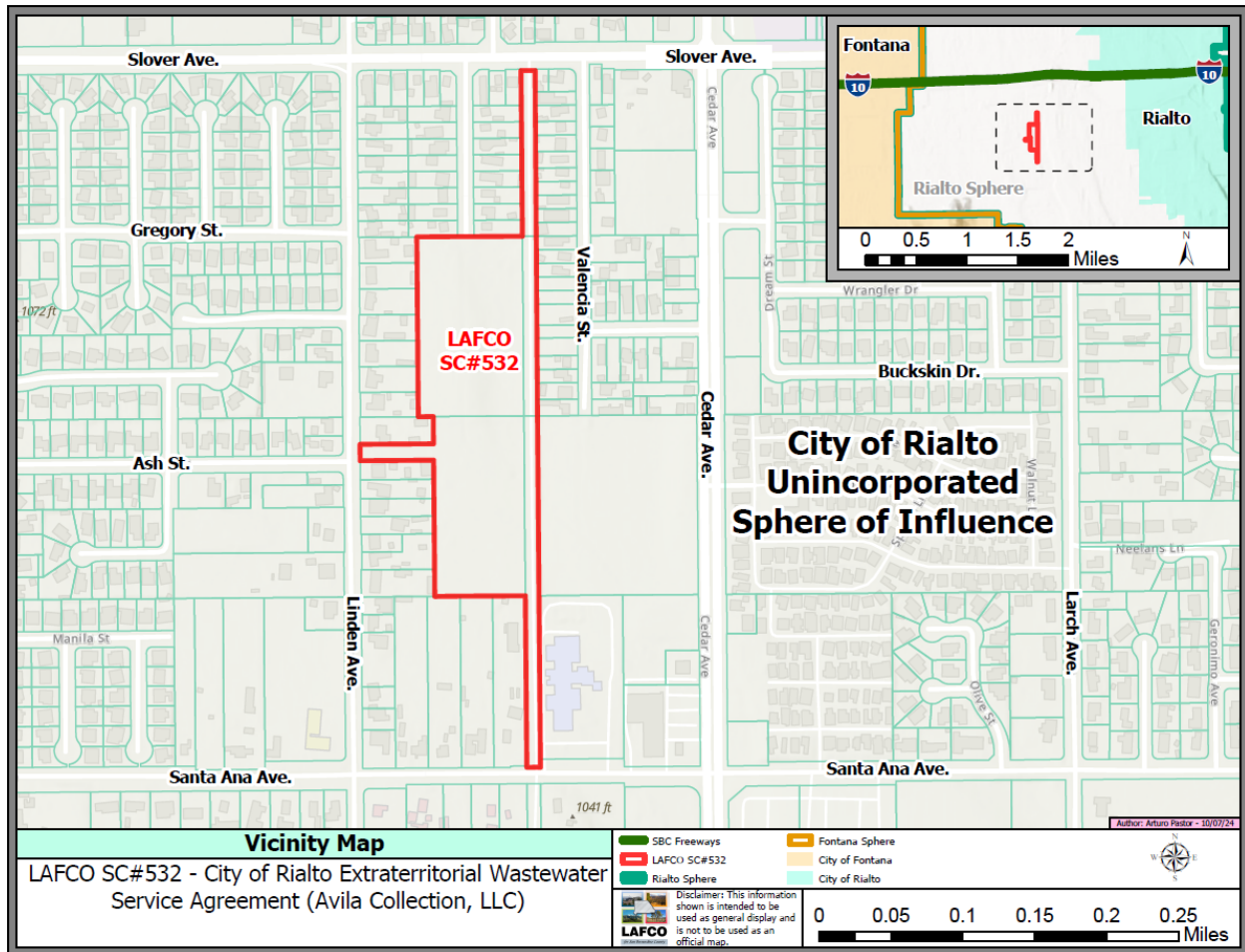
1. For environmental review as a responsible agency:
  - a. Certify that the Commission, its staff, and its Environmental Consultant have reviewed and considered the Initial Study and Mitigated Negative Declaration prepared by the County of San Bernardino for a Zone Change from RS-20M (Single Residential 20,000 Square Foot Minimum) to RM (Multiple Residential) in conjunction with a Conditional Use Permit and a Condominium Tentative Tract Map (TTM 20481) to construct a 181-unit multi-family condominium complex on approximately 12.6 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 identified in the County's environmental documents are the responsibility of the County 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#532 authorizing the City of Rialto to extend sewer service outside its boundaries to Assessor Parcel Numbers 0257-012-12, 0257-021-02, 0257-021-28, and 0257-031-35.
3. Adopt LAFCO Resolution No. 3409 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 Numbers (APNs) 0257-012-12, 0257-021-02, 0257-021-28, and 0257-031-35, which encompasses approximately 12.6 acres and is generally located between Santa Ana and Solver Avenues, east of Linden Avenue, 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.



The County Land Use Services Department processed and approved a Zone Change in conjunction with a Conditional Use Permit and a Condominium Tentative Tract Map to

construct a 181-unit multi-family condominium complex on the 12.6-acre project area, which was approved by the County Board of Supervisors on May 23, 2023. The Conditions of Approval placed upon this project include the requirement to connect to the City of Rialto's sewer facilities prior to issuance of building permits (see Condition 94) and the required LAFCO approval of said out-of-agency service connection (Condition 91). 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 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 line from the project to the existing 27-inch sewer main located in Santa Ana Avenue.

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 \$604,535.11 in sewer treatment and collection fees:

Description	Unit Measure	Unit	Rate	Extra-territorial Rate	Total
Sewage Treatment: Group 1 Multi-Family	DU	181	\$1,804.41	1.3	\$424,577.67
Sewage Collection: Multi-Family	DU	181	\$764.80	1.3	\$179,957.44
				<b>Total</b>	<b>\$604,535.11</b>

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 (MND) for a Zoning Amendment from RS-20M (Single Residential 20,000 Square Foot Minimum Lot Size) to RM (Multiple Residential) in conjunction with a Conditional Use Permit and a Condominium Tentative Tract Map (TTM 20481) for a 181-unit multi-family condominium complex on approximately 12.6 acres.

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 (MND) are adequate for the Commission's use as a CEQA responsible agency.

Since the original project was approved relying upon the MND, there have been minor changes to the MND (i.e. the acreage has been reduced from 14.25 to 12.6 acres, the number of units has increased from 180 to 181 units, and the document inaccurately identifies West Valley Water District instead of the City). Mr. Dodson and LAFCO staff have carefully reviewed the changes and concluded said changes do not rise to the level that would require the preparation of an Addendum.

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 all 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 181-unit multifamily condominium complex approved by the County requires that it receive sewer service from the City of Rialto. 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 would be 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 to 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 the proposed project since its sewer facilities are near the project area, and there is no other existing entity available to provide this service within the area.

**DETERMINATIONS:**

1. The project area, Assessor Parcel Numbers 0257-012-12, 0257-021-02, 0257-021-28, and 0257-031-35, is within the sphere of influence assigned to the City of Rialto and is anticipated to become a part of that City sometime in the future.

The project will receive water service from the West Valley Water District.

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

2. The City of Rialto Extraterritorial Wastewater Service Agreement between the City of Rialto and Avila Collection, LLC being considered is for the provision of sewer service to Assessor Parcel Numbers 0257-012-12, 0257-021-02, 0257-021-28, and 0257-031-35. 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 parcels are identified as totaling \$604,535.11. In addition, the property owner/developer will be responsible for the entire cost for the construction and installation of 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 181-unit multifamily condominium community on the 12.6-acre project area—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 find them to be adequate for the service contract decision.

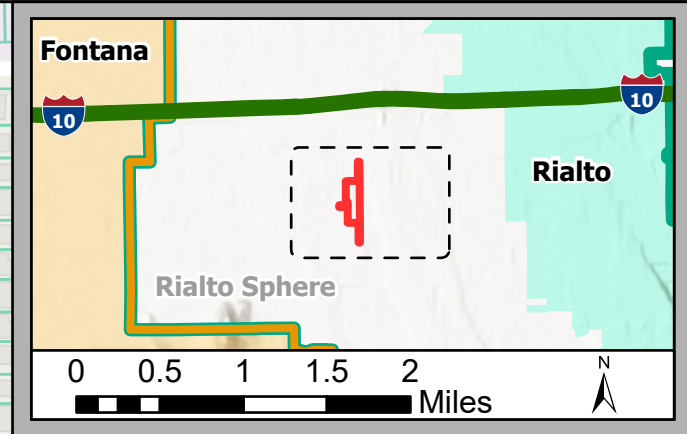
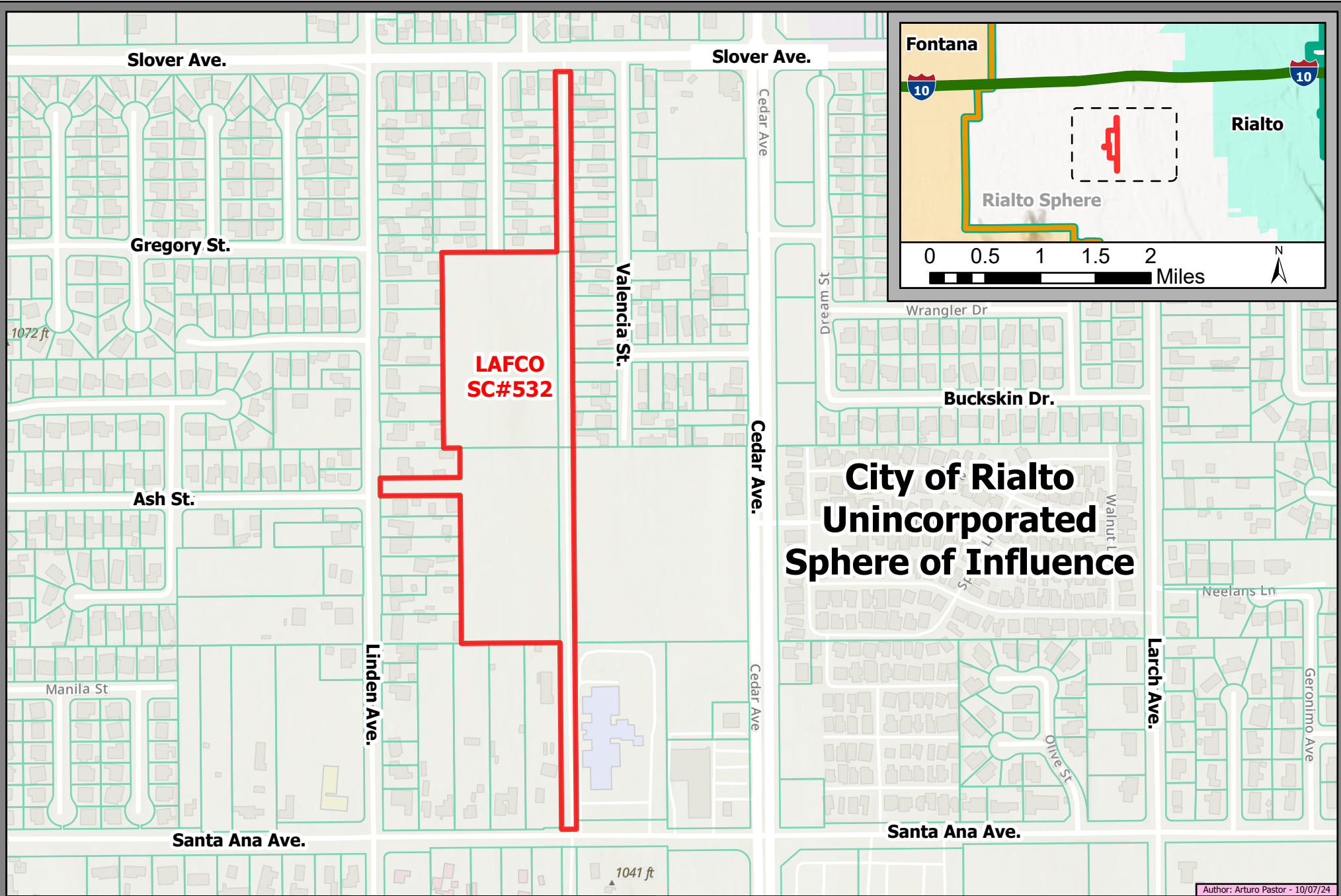
The Commission certifies that it has reviewed and considered the County's Mitigated Negative Declaration and its environmental effects as outlined in the Initial Study prior to reaching a decision on the service contract and finds the information substantiating the Mitigated Negative Declaration adequate for its use as CEQA Responsible Agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for the project and that all mitigation measures are the responsibility and jurisdiction of the County and/or others, not the Commission, 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 Including Site Plan](#)
4. [Response from Tom Dodson and Associates including the County's Mitigated Negative Declaration \(Notice of Determination, Mitigation Monitoring and Reporting Program, and Initial Study\)](#)
5. [Draft Resolution No. 3409](#)



**Vicinity Map**

**LAFCO SC#532 - City of Rialto Extraterritorial Wastewater Service Agreement (Avila Collection, LLC)**

SBC Freeways	Fontana Sphere
LAFCO SC#532	City of Fontana
Rialto Sphere	City of Rialto

LAFCO Local Agency for the Fontana and Corona Valleys

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

0 0.05 0.1 0.15 0.2 0.25 Miles

Author: Arturo Pastor - 10/07/24

**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: Avila Collection

CONTACT PERSON: Ron Walker

MAILING ADDRESS: PO BOX 11503  
Carson, CA

PHONE: (310) 768-3338

EMAIL: bwalker@alleraproperties.com

ADDRESS OF PROPERTY  
PROPOSED FOR CONTRACT: 10719 Linden Ave & 10598 Orchard Ave  
Bloomington, CA

CONTRACT NUMBER/IDENTIFICATION: \_\_\_\_\_

PARCEL NUMBER(S): Parcel #'s: 0257-021-28, 0257-031-35, 0257-012-12,

ACREAGE: and 0257-021-02

*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.  
Not Applicable.  
\_\_\_\_\_  
\_\_\_\_\_
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?  
Single-Residential 20,000 min (RS-20M)  
\_\_\_\_\_
- (b) Is a change in use proposed for the property? ☒ YES ☐ NO. If yes, please provide a description of the land use change.  
Multi-Residential (MR)  
\_\_\_\_\_
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.  
Condominium subdivision TM 20481; 181 attached condominiums merge 4 parcels  
into a condominium map. The project is currently in final engineering. All plans are on  
2-3 plan checks.  
\_\_\_\_\_

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"/>

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

10. Plan for Service:

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

The public connection will be in the center of Santa Ana. A manhole will be established over existing sewer main to accommodate the future sewer main running north to south approximately 40' L.F. connecting the new 181 units to the existing sewer main in Santa Ana. The on-site sewer for the 181 units will be private and maintained by HOA for Avila Collection's 181 units.

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- 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

## **EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT BETWEEN THE CITY OF RIALTO AND AVILA COLLECTION, LLC**

This **EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT** (“Agreement”) is made and entered into this 25th day of June 2024, between Avila Collection, 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 the property located at 10719 Linden Avenue and 10598 Orchard Street, Bloomington, CA, and includes Assessor’s Parcel Numbers 0257-021-28, 0257-031-35, 0257-012-12, and 0257-021-02, 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, repairs, and replacements 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 and in accordance with the Sewer Regulations, the City shall have the right, but not the obligation to stop providing Sewer Services. Prior to City stopping Sewer Services for the Property, City shall provide the Owner with written notice of the failure to properly operate, maintain, repair, or replace the lateral and/or connection point, and provide the Owner with not less than thirty (30) days to cure the issue. If, after the notice period expires, the Owner failed to cure the issue, City may stop providing Sewer Services for the Property or perform the as-required services to cure the issues. Services performed by the City related to a failure notice or cure shall be the responsibility of the Owner.

### **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 **\$604,535.11** 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:                 Byron Walker  
   PO Box 11503  
   Carson, CA  
   Tel: 310-768-3338  
   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: Tanya Williams  
Tanya Williams, Assistant City  
Manager

**ATTEST:**

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

**APPROVED AS TO FORM:**

BURKE, WILLIAMS & SORENSEN, LLP

By: Eric S. Vail  
Eric S. Vail, City Attorney

**Owner:**

Avila Collection, LLC

By: Byron Walker  
Owner/Resident



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

**Parcel 0257-021-28-0000**

**Legal Description**

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PARCEL MAP NO 186 PARCEL NO 4 EX S 90.12 FT W 215 FT

**Parcel 0257-031-35-0000**

**Legal Description**

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S T L AND W CO S B L W 1/2 LOT 371 EX S 500 FT W 300 FT AND EX N 100 FT W 300 FT AND EX E 25 FT R/WMEAS TO ST C/L

**Parcel 0257-012-12-0000**

**Legal Description**

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S T L AND W CO S B L 50 FT R/W BEG IN CENTER S LI LOT 363 AND EXTENDING N TO N LI SD LOT EX ST

**Parcel 0257-021-02-0000**

**Legal Description**

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S T L AND W CO S B L 50 FT R/W BEG IN S LI IN CENTER LOT 378 AND EXTENDING N THRU LOTS  
378 371 AND 370 TO N LI SD LOT 370 EX MNL RTS 2.24 AC

EXHIBIT "B"

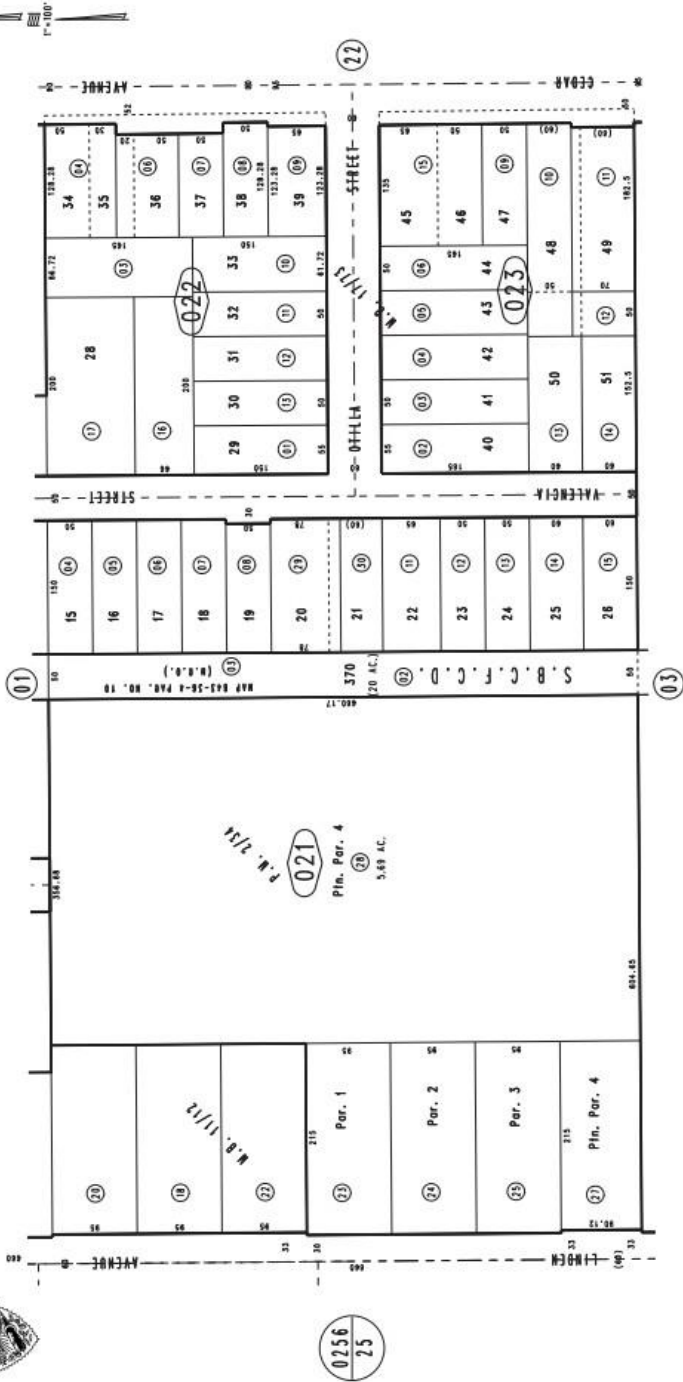
Parcel 0257-021-28-0000

Semi Tropic Land & Water Co.  
M.B. 11/12

Colton Joint Unified  
Tax Rate Area  
64027

0257-02

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



REVISED  
05/17/22  
06/17/22  
06/17/22

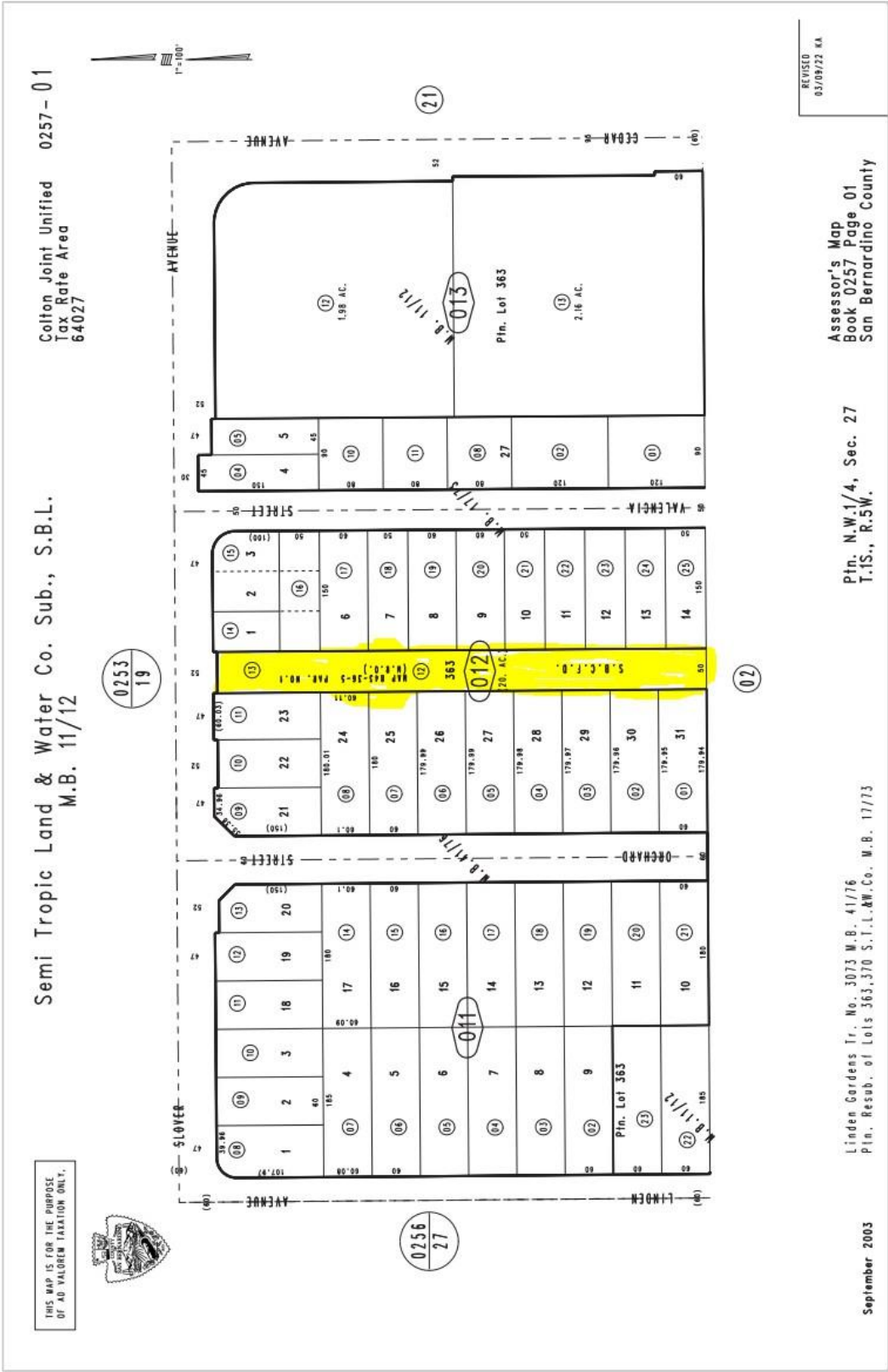
Assessor's Map  
Book 0257 Page 02  
San Bernardino County

Parcel Map No. 186, P.W. 2/34  
Pln. Resub. of Lots 363, 370 S.T.L.&W. Co. M.B. 11/73

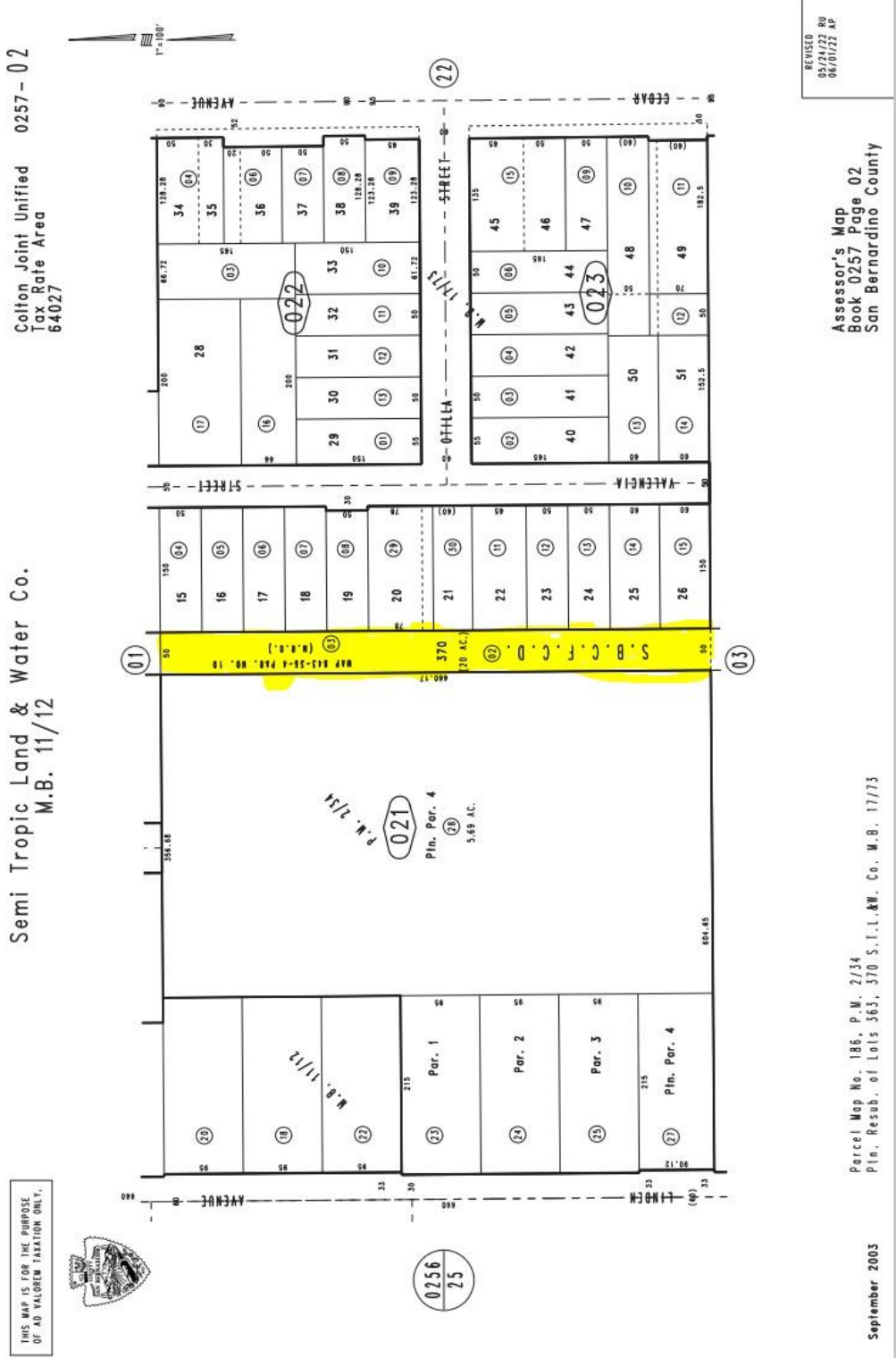
September 2003



Parcel 0257-012-12-0000



Parcel 0257-021-02-0000





## Land Use Services Department Planning

**Chad Nottingham**  
Interim Director

**Jevin Kaye**  
Assistant Director

June 1, 2023

**Effective Date: May 23, 2023**  
**Expiration Date: May 23, 2026**

Kevin Kent  
TK Management Services  
449 W. Foothill Blvd. #104  
Glendora, CA 91741

Ron Walker  
ALL-ERA Properties, LLC  
P.O. Box 11503  
Carson, CA 91749

**RE: A ZONE CHANGE FROM SINGLE RESIDENTIAL 20,000 SQUARE FOOT MINIMUM LOT SIZE (RS-20M) TO MULTIPLE RESIDENTIAL (RM). A CONDITIONAL USE PERMIT TO ALLOW THE 181-UNIT MULTI-FAMILY RESIDENTIAL (CONDOMINIUM) COMMUNITY. A TENTATIVE TRACT MAP FOR THE RECORDATION OF THE CONDO MAP. ON APPROXIMATELY 12.6 ACRES; 5<sup>TH</sup> SUPERVISORIAL DISTRICT; APN: 0257-031-35, 0257-021-28, 0257-012-12, 0257-021-02; PROJECT NO.: PROJ-2022-00037**

Dear Applicant:

On May 23, 2023, the above referenced project was approved by the Board of Supervisors, subject to completion of the attached Conditions of Approval. The proposed project is found to be in conformance with the County General Plan Policies, and the standards of the County Development Code. The effective date of this approval is May 23, 2023.

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

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

Should you need additional information, please contact me directly by phone at (909) 387-4738 or by email at [Anthony.DeLuca@lus.sbcounty.gov](mailto:Anthony.DeLuca@lus.sbcounty.gov).

Sincerely,

A handwritten signature in black ink that reads "A DeLuca Jr".

Anthony DeLuca, Senior Planner

AD/cgw/

Enclosure: Conditions of Approval  
Final Approved Site Plan  
Approved TPM  
Condition Compliance Release Forms

### BOARD OF SUPERVISORS

**COL. PAUL COOK (RET.)**  
Vice Chairman, First District

**JESSE ARMENDAREZ**  
Second District

**DAWN ROWE**  
Chair, Third District

**CURT HAGMAN**  
Fourth District

**JOE BACA, JR.**  
Fifth District

**Leonard X. Hernandez**  
Chief Executive Officer

**CONDITIONS OF APPROVAL**  
Linden Avenue Condominium Project  
Conditional Use Permit/Tentative Tract Map 20481

**GENERAL REQUIREMENTS**  
Ongoing and Operational Conditions

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

1. Project Approval Description. A Conditional Use Permit (CUP) and a Condominium Tentative Tract Map (TTM 20481) for a 181-unit residential gated community within the City of Rialto Sphere of Influence.

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

The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project Site with APN: 0257-031-35, 0257-021-28, 0257-012-12, and 0257-021-02; Project No. PROJ-2022-00037.

2. Concurrent Actions. Zoning Amendment from Single Residential 20,000 square foot minimum lot size (RS-20M) to Multi Residential (RM).
3. Project Location. The project is located at 10719 Linden Avenue, between Slover Avenue and Santa Ana Avenue in the community of Bloomington.
4. Revisions. Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
5. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its “indemnitees” (herein collectively the County’s elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses. This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees.

The developer’s indemnification obligation applies to the indemnitees’ “passive” negligence but does not apply to the indemnitees’ “sole” or “active” negligence or “willful misconduct” within the meaning of Civil Code Section 2782.

6. Expiration. This project permit approval shall expire and become void if it is not “exercised” within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed “exercised” when either:



- a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
- b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
- c. Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
  - Construction permits for all or part of the project are not issued, or the construction permits expire before the structure is completed and the final inspection is approved.
  - The land use is determined by the County to be abandoned or non-conforming.
  - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

7. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
8. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
9. Project Account. The Project account number is PROJ-2022-00037. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g., Land Use Services, Public Works, and County Counsel). Upon notice, the developer shall deposit additional funds to maintain or return the account to a positive balance. The developer is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
10. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
  - Grading Permits: a copy of the signed CCRF for grading/land disturbance.
  - Building Permits: a copy of the signed CCRF for building permits.
  - Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.
11. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
12. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:

- a) FEDERAL: N/A;
- b) STATE: Santa Ana RWQCB, South Coast AQMD, California Department of Fish and Wildlife
- c) COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor, and
- d) LOCAL: N/A

13. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:

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

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

15. Lighting. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
16. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90-degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
17. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128 and avoids disturbing any existing/natural vegetation or the site appearance. Existing utilities around the site perimeter shall also be placed underground, in coordination with the utility provider.
18. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
19. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
  - All construction equipment shall be muffled in accordance with manufacturer's specifications.
  - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
  - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g., residences and schools) nearest the project site.
20. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

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

21. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.
22. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

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

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

24. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
25. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
26. Continuous BMP Maintenance. The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to ensure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
27. BMP Enforcement. In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

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

28. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at 1-800-442-2283.
29. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least one (1) time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least two (2) times per week, or as often, if necessary, to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: 1-800-442-2283.

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

30. Additional Requirements. In addition to the Fire requirements stated herein, other onsite and offsite improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. 1. If the proposed project is 3 stories or greater than a 30' Fire Dept. Access will be required.
31. Access – 150+ feet: 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.
32. Jurisdiction: The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable status, codes, ordinances and standards of the Fire Department.
33. Sprinkler Installation Letter: The applicant shall submit a letter to the Fire Department agreeing and committing to installation of a fire protection system prior to the building inspection for drywall and insulation.
34. Standard F-5 DESIGN, INSTALLATION AND MAINTENANCE OF FIRE ALARM SYSTEMS. This standard applies to all new installations and modifications of existing fire alarm systems, within new construction as well as building additions and tenant improvements within existing buildings. This standard and its interpretation is not intended to be applied or enforced where there is any conflict with NFPA 72 or the California Fire Code.

35. Standard B-1 PREMISE AND BUILDING IDENTIFICATION AND ADDRESSING: This standard applies to the marking of all buildings with address numbers for identification.
36. Standard W-2 ONSITE FIRE PROTECTION WATER SYSTEMS. This standard establishes minimum requirements for installation and maintenance of all private fire hydrants and appliances related to an onsite fire protection system.
37. Standard F-4 POST INDICATOR VALVES AND FIRE DEPARTMENT CONNECTIONS. This standard, in conjunction with the latest edition of NFPA 13, NFPA 13R and NFPA 24, shall apply to the design and installation of, and the modification to, all new and existing fire sprinkler systems in commercial and industrial buildings and multi-family dwellings. This standard and its interpretation shall take NOT precedent where there is any conflict with NFPA standards.

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

38. Franchise Hauler Service Area. This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec Waste Industries - Edco Disposal).
39. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
40. Mandatory Commercial Recycling. As of July 1, 2012, AB 341 (Enacted October 5, 2011) requires businesses defined to include a commercial or public entity 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. This requirement is to assist the County in compliance with AB 341.
41. Mandatory Commercial Organics Recycling. As of September 15, 2020, AB 1826 (Enacted September 28, 2014) requires businesses that generate two (2) cubic yards or more of solid waste per week to recycle their organic waste. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County or contract waste hauler on efforts to recycle organics materials once operational.
42. Recycling and Organic Waste Collection Container Information. As of July 1, 2020, AB 827 (Enacted October 2, 2019) requires those MCR and MORE-covered businesses that sell products meant for immediate consumption and currently provide trash collection containers for their customers to provide recycling and/or organics collection containers adjacent to trash containers at front-of-house, except in restrooms. Full-service restaurants are exempt from these requirements as long as they provide containers for employees to separate post-consumer recyclables and organic waste purchased on the premise for customers.

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

43. Project vehicles shall not back out into the public roadway.
44. Signage: All required directional signage for traffic entering and exiting the site shall, including turning restrictions, be installed and continuously maintained outside the public road right-of-way in good condition for both day and nighttime visibility.

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

The Following Shall Be Completed

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

45. Mitigation Measures: Please see Mitigation Monitoring and Reporting Program (MMRP attached) prepared by LSA Associates, Inc., for mitigation measures to be completed prior to grading permit issuance.
46. GHG-1 GHG Emissions Screening Tables. Prior to the approval of grading permits, the project applicant shall demonstrate that it would implement a minimum of 100 points of GHG reduction measures listed in the County's GHG Emissions Screening Tables. Per County standards, projects that exceed 3,000 MT CO<sub>2</sub>e and implement a minimum of 100 points would be consistent with the County's GHG Plan and would therefore result in a less than significant impact.

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

47. Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls or retaining walls.
48. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.

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

49. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
50. FEMA Flood Zone. The project is located within Flood Zone X Unshaded according to FEMA Panel Number 06071C8667H 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.
51. Grading Plans. 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.
52. NPDES Permit. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)
53. 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.
54. On-site Flows. On-site flows need to be directed to the nearest drainage facility unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.

55. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>
56. WQMP Inspection Fee. The developer shall provide a \$3,600 deposit to the Department of Public Works for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
57. Flood Control District Review. A proof of applying for an encroachment permit from Flood Control District shall be submitted to Land Development for permit requirements and working within the District right-of-way. Contact Flood Control District, Flood Permits Section for permit information at (909) 387-7995

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

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

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

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

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

59. The project area has a high probability of containing vectors. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at 1-800-442-2283.

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**PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed:

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

60. Mitigation Measures: Please see Mitigation Monitoring and Reporting Program (MMRP attached) prepared by LSA Associates, Inc., for mitigation measures to be completed prior to building permit issuance.
61. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.



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

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

64. Construction Plans. Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.
65. Temporary Use Permits: 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 DEPARTMENT – Land Development Division – Road Section (909) 387-8311**

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

##### **Linden Avenue (Collector – 66')**

- Road Dedication. A 10-foot grant of easement is required to provide a half-width right-of-way of 33 feet.
- Street Improvements. Design curb and gutter with match up paving 22 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "B".
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.

- Paved Access Road. This project is required to have a minimum 26-foot wide paved access road within 40-foot of right-of-way and designed to County Standard 114b that ties into a maintained paved public road.

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

- Road Dedication. A 14-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Street Improvements. Design curb and gutter with match up paving 32 feet from centerline.
- Paved Access Road. This project is required to have a minimum 26-foot-wide paved access road within 40-foot of right-of-way and designed to County Standard 114b that ties into a maintained paved public road

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

- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
- Paved Access Road. This project is required to have a minimum 26-foot-wide paved access road within 40-foot of right-of-way and designed to County Standard 114b that ties into a maintained paved public road.

67. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
68. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
69. Encroachment Permits. 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.
70. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
71. Slope Easements. Slope rights shall be dedicated where necessary.
72. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
73. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
74. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.

75. Slope Tests. Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of County Public Works.
76. Regional Transportation Fee. 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 \$5,486 per unit for Multi Family Use, which includes the 180 units per the site plan dated September 2021.
- Therefore, the estimated Regional Transportation Fees for the Project is \$987,480. 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>
77. Utilities. 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.

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

78. Combustible Protection: 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.
79. Access: The development shall have a minimum of **three** 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.
80. Primary Access Paved: 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.
81. Secondary Access Paved: 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.
82. Solar: Solar / Photovoltaic System Plans: Plans shall be submitted online through EZOP to the Fire Department for review and approval. Plans must be submitted and approved prior to Conditional Compliance Release of Building.
83. Surface: Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85% compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds.
84. Turnaround: An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty-five (45) foot radius for all turns. In the Fire Safety Overlay District areas, there are additional requirements.
85. Water System: Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code.

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

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

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

88. Construction and Demolition Waste Management Plan (CWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights of solid waste materials expected to be generated from construction. The CWMP shall include options to divert waste materials from landfill disposal, materials for reuse or recycling by a minimum of 65% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued.

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

89. Swimming Pool Plan Check Required: Plans for swimming pools and associated restroom facilities shall be reviewed and approved by EHS. For information, call EHS Plan Check at: (800) 442-2283.

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

91. Water and Sewer - LAFCO: 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.

92. New OWTS: If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: a. A soil percolation report shall be submitted to EHS for review and approval. For information, please contact the Wastewater Section at (800) 442-2283. b. An Alternative Treatment System, if applicable, shall be required.

93. Sewer Service Verification Letter: 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 all Assessor's Parcel Number(s).

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

95. Existing Wells: If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence, such as a well certification, shall be submitted to EHS for approval.

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

97. Water Service Verification Letter. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address will suffice. For information, contact the Water Section at 1-800-442-2283.
98. California Regional Water Quality Control Board Clearance: Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services for projects with design flows greater than 10,000 gallons per day. Santa Ana Region, 3737 Main St., Suite 500, Riverside, CA 92501-3339, 951-782-4130.

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

99. 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.
100. 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:
1. Monuments set to mark property lines or corners;
  2. 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;
  3. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

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**PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

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

101. Mitigation Measures: Please see Mitigation Monitoring and Reporting Program (MMRP attached) prepared by LSA Associates, Inc., for mitigation measures to be completed prior to occupancy permit issuance.
102. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2022-00037
103. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC
104. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
105. Landscaping/Irrigation. All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
106. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
107. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met.

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

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

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

109. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans.
110. WQMP Improvements. All required WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.
111. Flood Control District Approval. Submit an official letter issued by the Flood Control District indicates that all items under the issued encroachment permit have been satisfied and the encroachment permit has been closed.

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

112. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
113. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.
114. Structural Section Testing. 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.
115. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.
116. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
117. Phased Projects. Projects within any phase of a phased project shall have all required on-site and off-site public road and drainage improvements required for such a phase sufficiently completed by the applicant and inspected/approved for construction of that phase prior to final inspection or occupancy for any buildings or other structures in that phase.

The term “phase” as used here shall mean the following: “The block of building permits drawn on less than the whole project” or “A plan of building construction which indicates blocks of construction of less than the whole project.”

In each phase, the installation of any on-site or off-site public road improvements shall be sufficiently completed so as to assure protection from storm or drainage runoff, a safe and drivable access for fire and other emergency/safety vehicles, and the ordinary and intended use of the buildings or structures. The Building Official, with the concurrence of the Land Development Division, may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.

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

118. New Recreational Health Permit: A Recreational Health annual permit for public swimming pool, spa or bathing place shall be required. For information, contact EHS at: (800) 442-2283.

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

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

120. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.
121. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit plans to the with hydraulic calculation and manufacturers specification sheets to the Fire Department for approval and approval. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal.
122. Combustible Vegetation: 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.
123. Hydrant Marking: 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.
124. Illuminated Site Diagram: The applicant shall submit for review and approval a site diagram plan to the Fire Department. The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant.
125. Key Box. An approved Fire Department key box is required. In commercial, industrial, and multi-family complexes, all swing gates shall have an approved fire department Knox Lock.
126. Override Switch: Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.
127. Residential Addressing: The street address shall be installed on the building with numbers that are a minimum of four (4) inches in height and with a one half (½) inch stroke. The address shall be visible from the street. During the hours of darkness, the numbers shall be internally and electrically illuminated with a low voltage power source. Numbers shall contrast with their background and be legible from the street. Where the building is fifty (50) feet or more from the roadway, additional contrasting four (4) inch numbers shall be displayed at the property access entrances.
128. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.
129. Fire Extinguishers: Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department.

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

130. Construction and Demolition Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 65% of total weight or volume of all construction waste.
-



**PRIOR TO RECORDATION OF TRACT MAP 20481**

The Following Shall Be Completed

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

131. A Tract Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.
132. Subdivider shall present evidence to the County Surveyor's Office that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.
133. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, shall be redesigned.
134. Review of the Tract Map by our office is based on actual cost and requires an initial \$8000.00 deposit. Prior to recordation of the map all fees due to our office for the project shall be paid in full.
135. A current Title Report prepared for subdivision purposes is required at the time the map is submitted to our office for review.
136. Final Monumentation, not set prior to recordation, shall be bonded for with a cash deposit to the County Surveyor's Office as established per the current County Fee Ordinance on file with the Clerk of the Board.

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

137. Prior to recordation of the subdivision map, all street names shall be reviewed and approved by the Department of Public Works, Traffic Division pursuant to 87.06.050(j) of the Development Code.

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

138. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
139. On-site Flows. 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.
140. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: (<https://dpw.sbcounty.gov/wqmp-templates-and-forms/>)
141. WQMP Inspection Fee. The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

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

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

**Linden Avenue (Collector – 66')**

- Road Dedication. A 10-foot grant of easement is required to provide a half-width right-of-way of 33 feet.

- Street Improvements. Design curb and gutter with match up paving 22 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "B".
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Paved Access Road. This project is required to have a minimum 26-foot wide paved access road within 40-foot of right-of-way and designed to County Standard 114b that ties into a maintained paved public road.

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

- Road Dedication. A 14-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
- Street Improvements. Design curb and gutter with match up paving 32 feet from centerline.
- Paved Access Road. This project is required to have a minimum 26-foot-wide paved access road within 40-foot of right-of-way and designed to County Standard 114b that ties into a maintained paved public road

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

- Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
  - Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
  - Paved Access Road. This project is required to have a minimum 26-foot-wide paved access road within 40-foot of right-of-way and designed to County Standard 114b that ties into a maintained paved public road.
143. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
144. Improvement Securities. Any required public road, drainage, WQMP, and/or utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
145. Maintenance Bond. Once all required public road, drainage, WQMP, and/or utility improvements have been constructed and approved, then a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.
146. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

147. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from 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.
148. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
149. Slope Easements. Slope rights shall be dedicated where necessary.
150. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
151. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
152. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
153. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
154. Structural Section Testing. Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.
155. Private Roads/Improvements. Prior to occupancy, construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.
156. Physical Access. Physical access shall be required to all newly created parcels. Physical access is defined as a route which is traversable in a standard (two-wheel drive) sedan. The Developer's Engineer or Surveyor shall submit a signed and sealed letter to Land Development Division certifying that physical access has been completed.

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

157. Composite Development Plan (CDP) Note Requirements: The following Composite Development Plan (CDP) Requirements shall be placed on the CDP submitted as a requirement for Recordation of the final map.
  - Wall Plans: Submit plans and obtain separate permits for any required retaining walls.
  - Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading and/or building permits.
  - Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.
  - Temporary Use Permit: 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.

158. Geotechnical Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to recordation of the tract map.
159. CDP/LDD - Roads. A Composite Development Plan (CDP) is required, and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD prior to recordation of the Tract Map (Statements in quotations shall be verbatim):

"Land Use Services Department / Land Development Division – Drainage (909) 387-8311"

"Grading Plans. 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."

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

"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."

"Drainage Improvements. 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."

"FEMA Flood Zone. The project is located within Flood Zone X Unshaded according to FEMA Panel Number 06071C8667H 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."

"WQMP. A completed Final 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. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: <https://dpw.sbcounty.gov/wqmp-templates-and-forms/> "

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

"Land Use Services Department / Land Development Division – Roads (909) 387-8311"

"Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design."

"Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction."

“Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.”

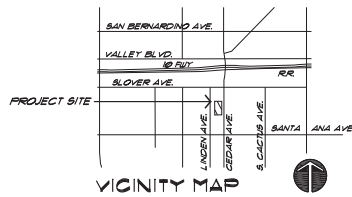
“Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.”

“Structural Section Testing. Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to the County Public Works.”

“Regional Transportation Fee. 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 \$5,486 per unit for Multi Family Use, which includes the 180 units per the site plan dated September 2021.

Therefore, the estimated Regional Transportation Fees for the Project is \$987,480. 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>

END OF CONDITIONS



APN: 0251-001-28, 0251-031-35 and 0251-002-12 and 0251-001-02 12.81 ACRES

UTILITY SURVEYOR CONTACT INFORMATION	
ELECTRICITY	SOUTHERN CALIFORNIA EDISON 800-875-4555
NATURAL GAS	SOUTHERN CALIFORNIA GAS 800-211-7100
WATER & SANITARY SEWER	SPECTRUM 800-875-4555
CABLE TV	SPECTRUM 800-875-4555
TELEPHONE	VERIZON 800-211-7100

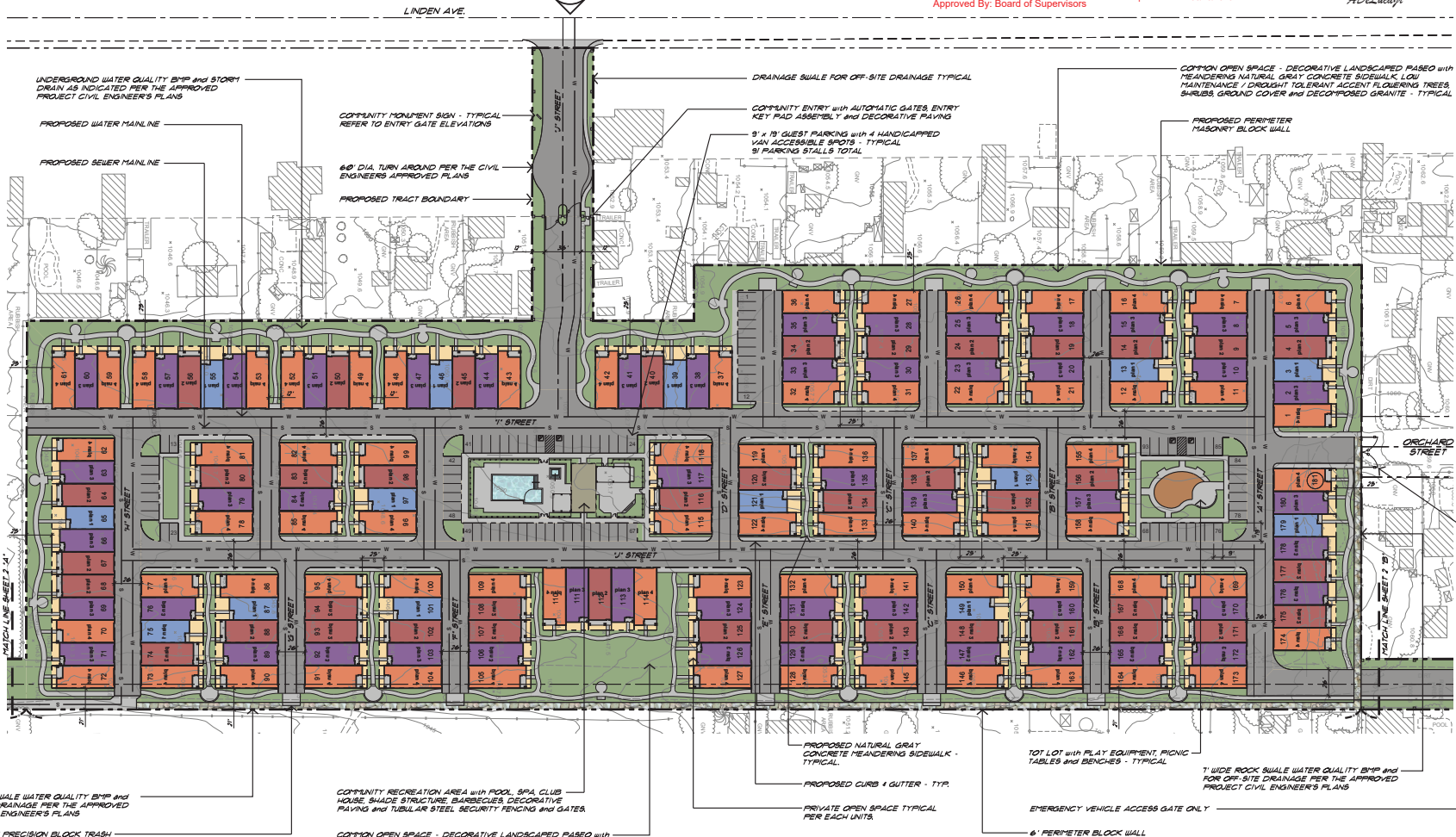
PARKING INFO	
REQUIRED	451 SPACE
1-COVERED GARAGE	360 SPACE
180 RESIDENTIAL UNITS	
PROVIDE	93 GUEST PAGES
	4 HANDICAPPED
TOTAL PROVIDED	451 SPACES # 293 UNIT

OWNER/DEVELOPER	BYRON WALKER ALL ERA PROPERTIES, LLC PO BOX 10893 CARSON, CA 90749
CIVIL ENGINEER	ENCORPASS ASSOCIATES, INC. 5659 COLINAS PLACE RANCHO CUCUMBERA, CA 91737 ALAN SKERS 909-446-0993
APPLICANT	KEVIN KENT TUM, LLC 458 W. KOTHILL BLVD. 104 GLENHOLM, CA 91741 626-806-5061
LAND SURVEYOR	KEL SOE & ASSOCIATES, INC. 835 FIRST ST. NORCO, CA 92550 ROBERT KEL SOE 951-136-7464

COUNTY OF SAN BERNARDINO  
CONDITIONALLY APPROVED  
PROJ-2022-00037  
Approved By: Board of Supervisors

Approval Date: 05/23/2023  
Effective Date: 05/23/2023  
Expiration Date: 05/23/2026

Anthony DeLuca/Senior Planner  
Signature  
ADeLuca



1' WIDE ROCK SWALE WATER QUALITY BMP AND FOR OFF-SITE DRAINAGE PER THE APPROVED PROJECT CIVIL ENGINEER'S PLANS

COMMUNITY RECREATION AREA WITH POOL, SPA, CLUB HOUSE, SHADE STRUCTURE, BARBECUES, DECORATIVE PAVING AND TUBULAR STEEL SECURITY FENCING AND GATES

COMMON OPEN SPACE - DECORATIVE LANDSCAPED PAVED WITH RE-rendering NATURAL GRAY CONCRETE SIDEWALK LOW MAINTENANCE / DROUGHT TOLERANT ACCENT FLOWERING TREES, SHRUBS, GROUND COVER AND DECOMPOSED GRANITE - TYPICAL

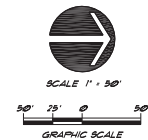
(B) 12'x17'-6" TAN PRECISION BLOCK TRASH ENCLOSURES PER COUNTY SOLID WASTE STANDARDS

COVERAGE INFO

SITE 14.35 ACRES	679,006 SF
STREET/HARDSCAPE	144,515 SF
SIDEWALKS	33,295 SF
WALKING PATHS	10,800 SF
TOTAL	187,256 - 25%
LANDSCAPE	233,999 SF - 37%

RESIDENTIAL UNITS

RESIDENCES	SF	GARAGE	LIVING	QTY.	TOTAL
PLAN 140	567	450	1,075 SF	79	79,348
PLAN 140B	650	450	1,140 SF	40	45,600
PLAN 170	635	450	1,145 SF	35	62,975
PLAN 190	712	450	1,171 SF	36	62,352
TOTAL					260,875
% COVERAGE					37%



DATE	REMARKS
08/01/21	SITE PLAN REV 01/21/21
09/01/21	ENTRY GATE REV 09/01/21
09/01/21	PER PLAN REV 09/01/21
12/17/21	IN-HOUSE CORRECTIONS

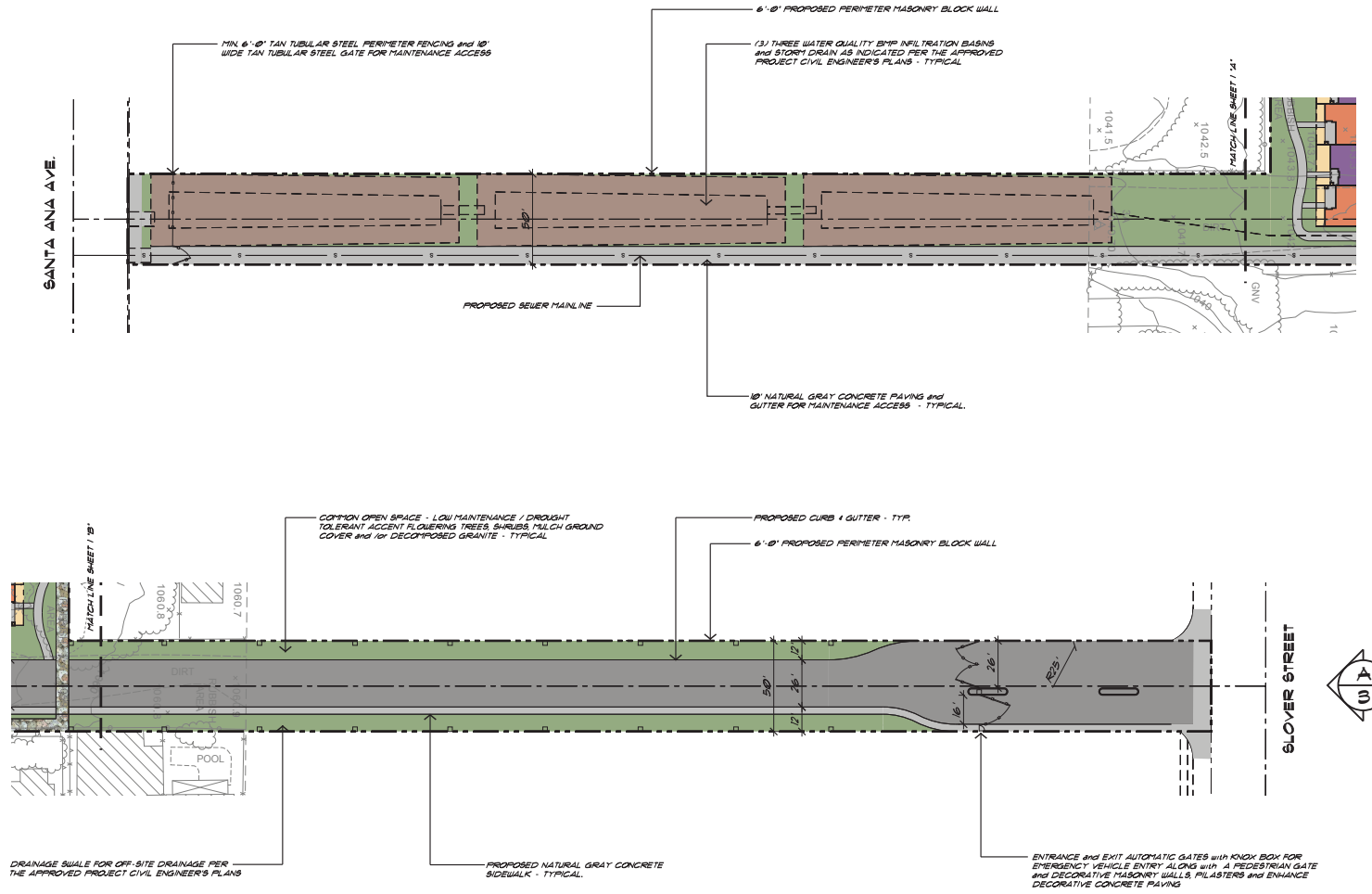
PREPARED BY  
TUM, LLC  
448 W. KOTHILL BLVD. NO. 104  
GLENHOLM, CA 91741  
626-806-5061

OWNER / CLIENT  
TENTATIVE TRACT MAP 20481  
J STREET & LINDEN AVENUE  
GLENHOLM, CA

SHEET TITLE  
SITE PLAN

DATE  
JANUARY 3, 2022  
PROJECT NO.  
DRAWN BY  
CHECKED BY  
SHEET NO.  
1







## 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 ♦ **Email:** [tda@tdaenv.com](mailto:tda@tdaenv.com) ♦ **Web:** [tdaenvironmental.com](http://tdaenvironmental.com)



November 8, 2024

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

Dear Sam:

LAFCO SC#532 consists of an application for Extension of Service by the City of Rialto to a 12.6-acre condominium development located in the City's unincorporated 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 181-unit residential development on a site between Slover and Santa Ana Avenues (north-south) and Cedar and Linden Avenues (east-west) located in the unincorporated community of Bloomington within the City's Sphere. If the Commission approves LAFCO SC#532, the project can move forward with development of the 181-unit condominium project under San Bernardino County jurisdiction, and connect to the City's sewer collection system at a sewer main located within Santa Ana Avenue near the project site.

The County prepared an Initial Study and adopted a Mitigated Negative Declaration (IS/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 Tentative Tract Map being approved in April 2023. 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 the implementation of the proposed project. The connection of the project to the sewer system was addressed as part of the overall project evaluated in the Initial Study. The Notice of Determination was filed on April 25, 2023 and it completed the 30-day statute of limitations for legal challenge without a challenge. However two small project change have occurred: the City of Rialto will provide sewer service, instead of West Valley Water District and the total number of units is now 181 instead of 180. After considering these changes, the Commission Staff concluded that they do not rise to the level requiring a second-tier environmental document, such as an Addendum. Thus, the Commission will consider the IS/MND prepared by the County as a CEQA Responsible Agency.

LAFCO Staff concurs with this decision and supports the connection of the condominium development to the City's sewer collection and treatment systems. The Initial Study

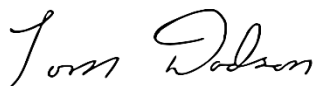
concluded that implementation of the proposed project, including an out-of-area service agreement, would not result in significant adverse impacts to the environment and brought forward several project specific mitigation measures for implementation. None of these measures is the responsibility of the 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#532.

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#532, 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#532.
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#532.
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 cursive script, appearing to read "Tom Dodson".

Tom Dodson

**DATE FILED & POSTED**Posted On: 05-24-2023Removed On: 07-06-2023Receipt No: 36-05242023-438**Notice of Determination**

To:

☐ Office of Planning and Research

U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth St., Rm 113

Sacramento, CA 95814

☒ Clerk of the BoardCounty of: San BernardinoAddress: 385 North Arrowhead Avenue, Second FloorSan Bernardino, CA 92415-0130

From:

Public Agency: San Bernardino County, LUSDAddress: 385 North Arrowhead Ave, First Floor San Bernardino, CA 92415-0187Contact: Anthony DeLucaPhone: 909-387-4738

Lead Agency (if different from above):

Address: \_\_\_\_\_

Contact: \_\_\_\_\_

Phone: \_\_\_\_\_

**SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**State Clearinghouse Number (if submitted to State Clearinghouse): SCH 2022120232Project Title: Linden Avenue CondominiumsProject Applicant: ALL-ERA PropertiesProject Location (include county): 10719 Linden Avenue, Bloomington, CA, San Bernardino CountyProject Description: A Zone change from Single Residential-20,000-sf minimum lot size (RS-20M) to Multiple Residential (RM), in conjunction with a Conditional Use Permit (CUP) and a Condominium Tentative Tract Map (TTM) for a 181-unit residential gated community on 12.6 acres within the City of Rialto Sphere of Influence.This is to advise that the San Bernardino County has approved the  
(☒ Lead Agency or ☐ Responsible Agency)above-described project on April 25, 2023 and has made the following determinations.

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

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

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

Signature (Public Agency):

Heidi Duron

Title: Planning DirectorDate: 04/25/2023

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

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

Revised 2011

CLERK OF THE  
 BOARD OF SUPERVISORS  
 2023 MAY 24 AM 8:33  
 COUNTY OF SAN BERNARDINO  
 CALIFORNIA

# **MITIGATION MONITORING AND REPORTING PROGRAM**

## **LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

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This Mitigation Monitoring and Reporting Program has been prepared for use in implementing mitigation for the:

### **Linden Bloomington Condominium Project PROJ-2022-00037**

The program has been prepared in compliance with State law and the Mitigated Negative Declaration (MND) prepared for the project by the County of San Bernardino (County).

The California Environmental Quality Act (CEQA) requires adoption of a reporting or monitoring program for those measures placed on a project to mitigate or avoid significant effects on the environment (Public Resource Code Section 21081.6). The law states the reporting or monitoring program shall be designed to ensure compliance during project implementation.

The monitoring program contains the following elements:

- 1) The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- 2) A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when, and to whom and when compliance will be reported.
- 3) The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

This Mitigation Monitoring and Reporting Program includes mitigation identified in the MND.

### **MITIGATION MONITORING AND RESPONSIBILITIES**

As the Lead Agency, the County is responsible for ensuring full compliance with the mitigation measures adopted for the proposed Project. The County will monitor and report on all mitigation activities. Mitigation measures will be implemented at different stages of development throughout the Project site. In this regard, the responsibilities for implementation have been assigned to the Applicant, Contractor, or a combination thereof. If, during the course of Project implementation, any of the mitigation measures identified herein cannot be successfully implemented, the County shall be immediately informed, and the County will then inform any affected responsible agencies. The County, in conjunction with any affected responsible agencies, will then determine if modification to the Project is required and/or whether alternative mitigation is appropriate.

### **STANDARD CONDITIONS**

Standard Conditions are presented in instances where the proposed Project would not create a significant impact but would be required to adhere to regulatory requirements in order to ensure impacts do not become significant. Standard Conditions outline compliance with various federal, State, and/or local acts, laws, rules, regulations, municipal codes, policies, etc.



## MITIGATION MONITORING AND REPORTING PROGRAM

### LINDEN BLOOMINGTON CONDOMINIUM PROJECT

Mitigation Measure/Standard Condition	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
prey on nesting bird species.	construction site.				
<p><b>MM BIO-2. Focused Burrowing Owl Breeding Season Surveys.</b> In order to avoid impacts to burrowing owl, a burrowing owl breeding season survey shall be conducted in accordance with the <i>CDFW 2012 Staff Report on Burrowing Owl Mitigation</i>. Four site visits shall be conducted during the breeding season: one between February 15 and April 15 (if possible) and three, at least 3 weeks apart, between April 15 and July 15, with at least one of these after June 15. Surveys are conducted by walking transects spaced up to 20 meters (65 feet) apart throughout the survey area, which includes the project site plus adjacent habitat within 150 meters (500 feet) where access is permitted. Areas within the 500-foot buffer that are inaccessible shall be scanned using binoculars during the survey effort. Surveys are to be conducted between morning civil twilight and 10:00 a.m. or between 2 hours before sunset and evening civil twilight. All burrowing owl sightings, occupied burrows, and potentially suitable burrows shall be mapped. If burrowing owl is found during any of the surveys, the project proponent shall need to inform the CDFW and additional avoidance and minimization measures would then be required.</p> <p><b>Burrowing Owl Take Avoidance.</b> A take avoidance survey for burrowing owls and their burrows should be conducted in accordance with accepted guidelines ("Staff Report on Burrowing Owl Mitigation," California Department of Fish and Game, March 7, 2012). This includes an initial take avoidance survey no more than 14 days prior to initiating ground disturbance activities and a final take avoidance survey within 24 hours of initiating ground disturbance activities. If no burrowing owls are detected during the take avoidance surveys, project activities can proceed. If burrowing owl is found during the pre-construction survey, the project proponent shall need to inform the CDFW and additional avoidance and minimization measures would then be required.</p>	<p>Confirm completion of survey by a qualified biologist.</p> <p>Confirm completion of survey by a qualified biologist.</p>	<p>Prior to the initiation of project activities.</p> <p>No more than 14 days prior to initiating ground disturbance activities, and within 24 hours of initiating ground disturbance activities.</p>	<p>County of San Bernardino</p> <p>County of San Bernardino</p>		
<b>MM BIO-3.</b> Pursuant to the Migratory Bird Treaty Act and California Fish and Game Code, prior to removal of any trees, shrubs, or any other potential nesting habitat, a qualified biologist shall first conduct a pre-construction survey for active bird nests outside the avian nesting season. The nesting season generally extends from early February through August but can vary slightly from year to year based upon seasonal weather conditions. The report shall be provided to	Confirm completion of survey by a qualified biologist.	Prior to removal of any trees, shrubs, or any other potential nesting habitat.	County of San Bernardino/Community Development Department		

## MITIGATION MONITORING AND REPORTING PROGRAM LINDEN BLOOMINGTON CONDOMINIUM PROJECT

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the Community Development Department.					
<b>Section V: Cultural Resources</b>					
<p><b>MM CUL-1.</b> Prior to issuance of grading permits, the County of San Bernardino (County) shall verify that the following note shall be included on all grading plans:</p> <p>In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, Native American tribe(s) that have expressed interest in consulting on this Project pursuant to Public Resources Code Statute 21080.3.1 shall be contacted regarding any pre-contact and/or historic-era finds so as to provide tribal input with regards to significance and treatment.</p> <p>Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.</p> <p>This measure shall be implemented to the satisfaction of the County of San Bernardino's Community Development Director or designee.</p>	Review and approval of grading plans.	Prior to the issuance of grading permits.	County of San Bernardino/County of San Bernardino's Community Development Director or designee		
<p><b>MM CUL-2.</b> If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the Project archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to Native American tribe(s) that have expressed interest in consulting on this Project pursuant to Public Resources Code Statute 21080.3.1 for review and comment, in particular the YSMN for review and comment, as detailed within TCR-1. The Project archaeologist shall</p>	Review and approval of Monitoring and Treatment Plan	In the event that unanticipated significant pre-contact and/or historic-era cultural resources are discovered.	County of San Bernardino		



## MITIGATION MONITORING AND REPORTING PROGRAM LINDEN BLOOMINGTON CONDOMINIUM PROJECT

Mitigation Measure/Standard Condition	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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monitor the remainder of the Project and implement the Plan accordingly.					
<b>MM CUL-3.</b> If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.	Confirm implementation of mitigation measure.	In the event that unanticipated human remains, or funerary objects are encountered.	County of San Bernardino		
<b>Section VII: Geology and Soils</b>					
<p><b>MM GEO-1.</b> Prior to the issuance of grading and/or building permits, the Project Applicant shall provide evidence to the County of San Bernardino (County) for review and approval that proposed structures, features, and facilities have been designed and shall be constructed in conformance with applicable provisions of the 2019 edition of the California Building Code (CBC) or the most current edition of the CBC in effect at the time the Applicant's development application is deemed complete by the County.</p> <p>Additionally, the Project Applicant shall submit a site-specific geotechnical investigation of the Project and provide evidence to the County that the recommendations cited in the geotechnical investigation are incorporated into Project plans and/or implemented as deemed appropriate by the County. Geotechnical recommendations may include, but are not limited to, removal of existing vegetation, structural foundations, floor slabs, utilities, and any other surface and subsurface improvements that would not remain in place for use with the new development. Remedial earthwork, over-excavation, and ground improvement shall occur to depths specified in the geotechnical investigation to provide a sufficient layer of engineered fill or densified soil beneath the structural footings/foundations, as well as proper surface drainage devices and erosion control. Retaining wall parameters shall be in accordance with the geotechnical investigation to protect against lateral spreading and landslides. Construction of concrete structures in contact with subgrade soils determined to be corrosive shall include measures to protect concrete, steel, and other metals. Verification testing must be performed upon completion of ground improvements to confirm that the compressible soils have been sufficiently</p>	Review and approval of project plans and site-specific geotechnical investigation.	Prior to issuance of grading and/or building permits and at the time the Applicant's development application is deemed complete by the County.	County of San Bernardino/County Director of Building and Safety or designee		

## MITIGATION MONITORING AND REPORTING PROGRAM LINDEN BLOOMINGTON CONDOMINIUM PROJECT

Mitigation Measure/Standard Condition	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>densified. The structural engineer must determine the ultimate thickness and reinforcement of the building floor slabs based on the imposed slab loading.</p> <p>As necessary, the County may require additional engineering protocols to meet its requirements. This measure shall be implemented to the satisfaction of the County Director of Building and Safety or designee.</p>					
<p><b>MM GEO-2.</b> Prior to issuance of a grading permit, the Project Applicant must retain a qualified paleontologist (defined as an individual with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least one year) to prepare a Paleontological Resource Impact Mitigation Plan (PRIMP) and monitor mass grading activities on the site. Implementation of the PRIMP shall include (but not be limited to) the following:</p> <ul style="list-style-type: none"> <li>Review of Project-specific geotechnical report data, with particular regard to location and depth of earthmoving and the rock unit(s) encountered;</li> <li>Development of a formal agreement between the project applicant and the San Bernardino County Museum, Natural History Museum of Los Angeles County, Western Science Center, San Diego Natural History Museum, Riverside Municipal Museum, or other accredited museum repository for the final disposition, permanent storage, and maintenance of any fossil collections and associated data;</li> <li>The construction schedule, term/schedule of on-site paleontological monitor(s) and the extent of areas and activities to be monitored;</li> <li>Authority of paleontological monitor(s) to temporarily redirect construction activity in the vicinity of any paleontological discovery;</li> <li>Procedures for the evaluation and option to recover large fossil</li> </ul>	Confirm presence of a qualified paleontologist.	Prior to issuance of a grading permit.	County of San Bernardino/San Bernardino County Planning Division		

## MITIGATION MONITORING AND REPORTING PROGRAM LINDEN BLOOMINGTON CONDOMINIUM PROJECT

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<p>specimens and for the evaluation recovery, and processing of small fossil specimens;</p> <ul style="list-style-type: none"> <li>Fossil specimen preparation, identification to the lowest taxonomic level possible, curation, and cataloging; and</li> <li>A report of findings.</li> </ul> <p>Monitoring shall occur from the outset of grading activities since the depth of Pleistocene sediments onsite is unknown. However, the qualified paleontologist shall have the discretion of scaling back monitoring to a schedule approved by the San Bernardino County Planning Division if, at the discretion of the paleontologist, grading is unlikely to reach depths of Pleistocene sediments or if the sediments encountered on the site have little to no potential to yield paleontological resources.</p> <p>If paleontological resources are encountered during the course of ground disturbance, work within 60 feet of the find shall be halted, and an exclusionary buffer shall be established. The qualified paleontologist shall assess the find for scientific significance. Construction personnel shall not collect or move any suspected paleontological materials or further disturb any soils within the exclusionary buffer without the consent of the paleontologist and the San Bernardino County Planning Division, but construction activity may continue unimpeded on other portions of the Project site. If the paleontologist determines the find is not a paleontological resource, no further evaluation shall be required within the exclusionary buffer, and construction activity shall be allowed to resume therein. However, if the paleontologist determines the find is a paleontological resource, construction activity shall not resume within the exclusionary buffer, and <b>GEO-3</b> shall apply. This measure shall be implemented to the satisfaction of the San Bernardino County Planning Division.</p>					
<b>MM GEO-3.</b> If the qualified paleontologist determines paleontological resources are encountered on the Project site, the paleontologist shall address the resource(s) pursuant to the Paleontological Resource Impact Mitigation Plan (PRIMP) to be implemented during the balance of ground-disturbing activities.	Review and approval of the Report of Findings.	In the event that unanticipated paleontological resources are	County of San Bernardino/San Bernardino County		

## MITIGATION MONITORING AND REPORTING PROGRAM LINDEN BLOOMINGTON CONDOMINIUM PROJECT

Mitigation Measure/Standard Condition	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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The paleontologist shall be equipped to record and salvage fossil resources that may be unearthed during construction and shall temporarily halt or divert construction equipment to allow recording and removal of the unearthed resources. Significant fossils shall be offered for curation at an accredited museum repository in accordance with the PRIMP. A report of findings, including, when appropriate, an itemized inventory of recovered specimens and a discussion of their significance, shall be prepared at the conclusion of paleontological monitoring. The report and inventory, when submitted to and approved by the San Bernardino County Planning Division, would signify completion of the program. This measure shall be implemented to the satisfaction of the San Bernardino County Planning Division.		encountered.	Planning Division		
<b>Section IX: Hazards and Hazardous Materials</b>					
<b>MM HAZ-1.</b> Prior to the grading of the site, the Project applicant shall retain a Phase I Environmental Assessment conduct a field survey of the single-family residential unit and detached shed. If the specialist determines that there are hazardous materials on site, the specialist shall prepare a mitigation plan to safely and properly remove the structures from the property and to dispose of the hazardous materials pursuant to applicable federal, State, and local regulations. The specialist shall submit the report to the County of San Bernardino and shall proceed with construction of the structures based on report approval. If the specialist determines that the on-site structures are not constructed with lead-based paint or asbestos-containing materials, the results shall be submitted to the County and construction activities can proceed as normal.	Confirmation of Phase 1 Environmental Assessment, and review and approval of project-specific mitigation plan, if required.	Prior to the grading of the site.	County of San Bernardino		
<b>Section X: Hydrology and Water Quality</b>					
<b>MM HYD-1.</b> Prior to the issuance of a grading permit, the Project Applicant shall file and obtain a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) in order to be in compliance with the State National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit for discharge of surface runoff associated with construction activities. Evidence that this has been obtained (i.e., a copy of the Waste Discharger's Identification	Confirm receipt of a copy of the Waste Discharger's Identification Number.	Prior to the issuance of a grading permit.	County of San Bernardino		

## MITIGATION MONITORING AND REPORTING PROGRAM LINDEN BLOOMINGTON CONDOMINIUM PROJECT

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Number) shall be submitted to the County of San Bernardino (County) for coverage under the NPDES General Construction Permit.					
<p><b>MM HYD-2.</b> Prior to issuance of a grading permit, the Project Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the County of San Bernardino (County). The SWPPP shall include a surface water control plan and erosion control plan citing best management practices (BMPs) to control on-site and off-site erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and nonstructural BMPs to control sediment and non-visible discharges from the site. The SWPPP shall include inspection forms for routine monitoring of the site during the grading and construction phases to ensure National Pollutant Discharge Elimination System (NPDES) compliance and that additional BMPs and erosion control measures would be documented in the SWPPP and utilized if necessary. The SWPPP shall be kept on site for the entire duration of Project construction and shall be available to the local Regional Water Quality Control Board (RWQCB) for inspection at any time. BMPs to be implemented may include the following.</p> <ul style="list-style-type: none"> <li>Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles, and temporary basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs shall be periodically inspected during construction, and repairs shall be made, when necessary, as required by the SWPPP</li> <li>All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected in a reasonable manner to eliminate any discharge from the site. Stockpiles shall be surrounded by silt fences and covered with plastic tarps</li> <li>The construction contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sandbag barriers and other sediment control measures called for in the SWPPP. Monthly reports and inspection logs shall be maintained by the contractor and</li> </ul>	Confirmation of receipt of a Storm Water Pollution Prevention Plan.	Prior to the issuance of a grading permit.	County of San Bernardino/County Public Works Department		

## MITIGATION MONITORING AND REPORTING PROGRAM LINDEN BLOOMINGTON CONDOMINIUM PROJECT

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<p>reviewed by the City and representatives of the RWQCB. In the event that it is not feasible to implement specific BMPs, the County can make a determination that other BMPs would provide equivalent or superior treatment either on or off site</p> <ul style="list-style-type: none"> <li>This measure shall be implemented to the satisfaction of the County Public Works Department.</li> </ul>					
<p><b>MM HYD-3.</b> Prior to the issuance of a grading permit, the Project Applicant shall submit a Final Water Quality Management Plan (Final WQMP) to the County of San Bernardino (County) for review and approval. The Project shall include Project design features identified in the Final WQMP. The Final WQMP shall demonstrate that any proposed on-site development plan includes best management practices (BMPs) for source control, pollution prevention, site design, low-impact development (LID) implementation, and structural treatment control. BMPs to be implemented may include the following:</p> <ul style="list-style-type: none"> <li>Property Owner/Occupant will be required to review and implement Storm Water Pollution Brochures, Hazardous Waste Guidelines, and the "After the Storm" handouts</li> <li>Property Owner/Occupant shall clean and dispose of any hazardous spills and educate and train employees on use of pesticides and in pesticide application techniques to prevent pollution. Pesticide application must be under the supervision of a California qualified pesticide applicator</li> <li>Property Owner/Occupant shall clean and maintain all proposed LID BMPs and ensure that underground infiltration BMP is in proper working order by inspecting and cleaning out the system of silt/sediment as needed after every qualifying event</li> <li>Property Owner/Occupant shall implement trash management and litter control procedures in the common areas aimed at reducing</li> </ul>	Review and approval of Final Water Quality Management Plan.	Prior to the issuance of a grading permit.	County of San Bernardino/County Public Works Department		

## MITIGATION MONITORING AND REPORTING PROGRAM LINDEN BLOOMINGTON CONDOMINIUM PROJECT

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<p>pollution of drainage water</p> <ul style="list-style-type: none"> <li>Stenciling shall be provided at all catch basin inlets that states "No Dumping—Drains to Ocean."</li> <li>Drainage is routed around the trash enclosure area. Additionally, the trash enclosure area shall be walled to prevent off-site transport of trash. Enclosure area shall also have a roof and attached lids to prevent rainfall from entering the containers</li> <li>A landscape plan is to be submitted to the County for approval. The landscape plan shall have an emphasis on efficient water use and irrigation methods and on water conservation</li> </ul> <p>BMPs shall be designed and implemented to address Section 303(d) listed pollutants and retain the Project site's minimum design capture volume and, if applicable, hydromodification volume to ensure post-development storm water runoff volume or time of concentration does not exceed pre-development stormwater runoff by more than 5 percent of the two-year peak flow in accordance with the <i>Technical Guidance Document for Water Quality Management Plans</i> prepared for the County of San Bernardino Areawide Stormwater Program, National Pollutant Discharge Elimination System Permit Number CAS618036, Order Number R8-2010-0036. The proposed LID BMPs specified in the Final WQMP shall be incorporated into the grading and development plans submitted to the County for review and approval. Periodic maintenance of any required BMPs and landscaped areas during Project occupancy and operation shall be in accordance with the schedule outlined in the Final WQMP. This measure shall be implemented to the satisfaction of the County Public Works Department.</p>					
<b>Section XIII: Noise</b>					
<b>Standard Condition (SC) NOI-1.</b> The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 7:00 p.m. on	Confirm implementation of	During construction	Construction Contractor		



## MITIGATION MONITORING AND REPORTING PROGRAM LINDEN BLOOMINGTON CONDOMINIUM PROJECT

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<p>weekdays and Saturdays. Construction is prohibited outside these hours or at any time on Sundays and federal holidays.</p> <p>During all project site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.</p> <p>The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and most noise-sensitive receptors nearest the project site during all project construction.</p> <p>The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the project site.</p>	standard condition.				
<b>Section XVIII: Tribal Cultural Resources</b>					
<p><b>MM TCR-1.</b> The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.</p>	<p>Review and approval of cultural resource Monitoring and Treatment Plan, if required.</p> <p>Confirm presence of YSMN representative.</p>	In the event of any pre-contact and/or historic-era cultural resources are discovered during project implementation.	YSMN/County of San Bernardino		
<p><b>MM TCR-2.</b> Any and all archaeological/cultural documents created as part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.</p>	Confirm dissemination of all archaeological/cultural documents to YSMN	During life of the project	County of San Bernardino		

## MITIGATION MONITORING AND REPORTING PROGRAM LINDEN BLOOMINGTON CONDOMINIUM PROJECT

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<b>MM TCR-3.</b> Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities: <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point</li> </ul>	<p>Confirm presence of Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation.</p> <p>Confirm receipt of a copy of the executed monitoring agreement.</p>	<p>Prior to commencement of ground-disturbing activities.</p> <p>Prior to commencement of ground-disturbing activities, or the issuance of any permit necessary to commence a ground-disturbing activity.</p>	<p>County of San Bernardino</p> <p>County of San Bernardino</p>		

## MITIGATION MONITORING AND REPORTING PROGRAM LINDEN BLOOMINGTON CONDOMINIUM PROJECT

Mitigation Measure/Standard Condition	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p> <p>e. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery 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.</p>					
<p><b>MM TCR-4.</b> Unanticipated Discovery of Human Remains and Associated Funerary Objects:</p> <p>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.</p> <p>b. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by</p>	Confirm implementation of mitigation measure.	In the event of unanticipated discovery of human remains and/or associated funerary objects.	County of San Bernardino		

## MITIGATION MONITORING AND REPORTING PROGRAM

### LINDEN BLOOMINGTON CONDOMINIUM PROJECT

Mitigation Measure/Standard Condition	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.</p> <p><b>c.</b> Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p><b>d.</b> Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f)).</p> <p><b>e.</b> Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.</p> <p><b>f.</b> Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>					
<p><b>MM TCR-5.</b> Procedures for Burials and Funerary Remains:</p> <p><b>a.</b> As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the</p>	Confirm implementation of mitigation measure.	In the event of unanticipated discovery of human burials and/or funerary remains.	County of San Bernardino		

## MITIGATION MONITORING AND REPORTING PROGRAM LINDEN BLOOMINGTON CONDOMINIUM PROJECT

Mitigation Measure/Standard Condition	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.</p> <p><b>b.</b> If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.</p> <p><b>c.</b> The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials.</p> <p><b>d.</b> In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.</p> <p><b>e.</b> In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects.</p> <p><b>f.</b> Each occurrence of human remains and associated funerary objects</p>					

**MITIGATION MONITORING AND REPORTING PROGRAM  
LINDEN BLOOMINGTON CONDOMINIUM PROJECT**

Mitigation Measure/Standard Condition	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.</p> <p><b>g.</b> The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.</p>					

# **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**LINDEN BLOOMINGTON CONDOMINIUM PROJECT  
SAN BERNARDINO COUNTY, CALIFORNIA  
PROJ-2022-00037**



November 2022



# **INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**BLOOMINGTON CONDOMINIUM PROJECT  
SAN BERNARDINO COUNTY, CALIFORNIA  
PROJ-2022-00037**

Prepared for:

County of San Bernardino  
Land Use Services Department, Planning Division  
385 North Arrowhead Avenue  
San Bernardino, California 92415

Prepared by:

LSA Associates, Inc.  
1500 Iowa Avenue, Suite 200  
Riverside, California 92507  
(951) 781-9310

LSA Project No. APO2201



November 2022

**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 California Environmental Quality Act (CEQA) Guidelines*.

**PROJECT LABEL:**

<b>APNs:</b>	0257-021-28, 0257-031-35, 0257-012-12, and 0257-021-02	<b>USGS Quad:</b>	7.5-minute <i>Fontana and San Bernardino South, California</i>
<b>Applicant:</b>	Byron Walker All-Era Properties, LLC 310-768-3338 P.O. Box 11503 Carson, California 90749	<b>T, R, Section:</b>	Section 27, Township 1 South, Range 5 West
<b>Location</b>	10719 Linden Avenue Bloomington, CA. Between Santa Ana Avenue and Slover Avenue, west of Cedar Avenue, east of Linden Avenue.		
<b>Project No:</b>	PROJ-2022-00037	<b>Community Plan:</b>	Bloomington Community Plan (2007)
<b>Rep</b>	Fifth Supervisorial District. Joe Baca Jr.	<b>LUZD:</b>	Residential
<b>Proposal:</b>	The proposed Project would develop 180-units two-story attached multifamily condominium homes on approximately 14.25 acres of land. The Project also includes a zoning amendment that would change the current zone, Residential-20 square feet minimum lot size (RS-20M) to Multi Residential (RM)	<b>Overlays:</b>	Not Applicable

**PROJECT CONTACT INFORMATION:**

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

**Contact Person:** Anthony DeLuca/Senior Planner  
**Phone No:** (909) 387-4738 **Fax: No:** (909) 387-3223  
**E-mail:** [Anthony.deluca@lus.sbcounty.gov](mailto:Anthony.deluca@lus.sbcounty.gov)

**Project Sponsor:** Byron Walker  
All-Era Properties, LLC  
310-768-3338  
P.O. Box 11503  
Carson, California 90749

**PROJECT LOCATION AND DESCRIPTION:**

*Location*

The 180-unit multifamily Bloomington Condominium Project (herein referred to as either the “proposed Project” or “Project”) encompasses approximately 14.25 acres (Assessor’s Parcel Numbers [APN] 0257-021-28, 0257-031-35, 0257-012-12, and 0257-021-02) in the unincorporated community of Bloomington, San Bernardino County, California. The site is

within Section 27, Township 1 South, Range 5 West, as detailed on the United States Geological Survey (USGS) Fontana and San Bernardino South, California quadrangle map. The Project is on Linden Avenue, 0.12 mile north of Santa Ana Avenue. Specifically, the Project site is at the south end of Orchard Street and is east of Linden Avenue. It is bounded on the north and west by residential developments, and on the east and south by vacant land and residential structures. **Figure 1: Regional and Project Location** and **Figure 2: Project Vicinity Map** show the regional and local location of the Project site.

### *Environmental Setting*

The Project site contains four undeveloped parcels including APNs 0257-021-28 and 0257-031-35 and approximately 3 acres of dirt access road previously owned by the San Bernardino County Flood Control District (APNs 0257-012-12, and 0257-021-02), totaling approximately 14.25 acres. The site is bordered to the north and west by residential units. Land adjacent to the eastern and southern boundary of the Project site is occupied by vacant land and residential structures.

The nearest sensitive receptors to the Project site include the residences to the north and the west, residences to the south beyond the vacant land, and residences to the east.

The project site is moderately disturbed due to continued discing for weed control and its urban residential setting, as well as daily use from unauthorized human encampments. As a result of regular soil disturbance from discing, the vegetation on the project site consists of nonnative upland grasslands. Ongoing soil disturbance and the resulting competitive exclusion by invasive nonnative plants limit the potential for native flora to occur on the project site.<sup>1</sup> See **Photograph 1** through **Photograph 4** (provided in the **Site Photographs** section) for reference of existing setting.

The County of San Bernardino (County) General Plan land use designation for the Project site is Medium Density Residential (MDR). The Project site is zoned Single Residential with a 20,000-square-foot minimum lot size (RS-20M).

### *Surrounding Land Uses*

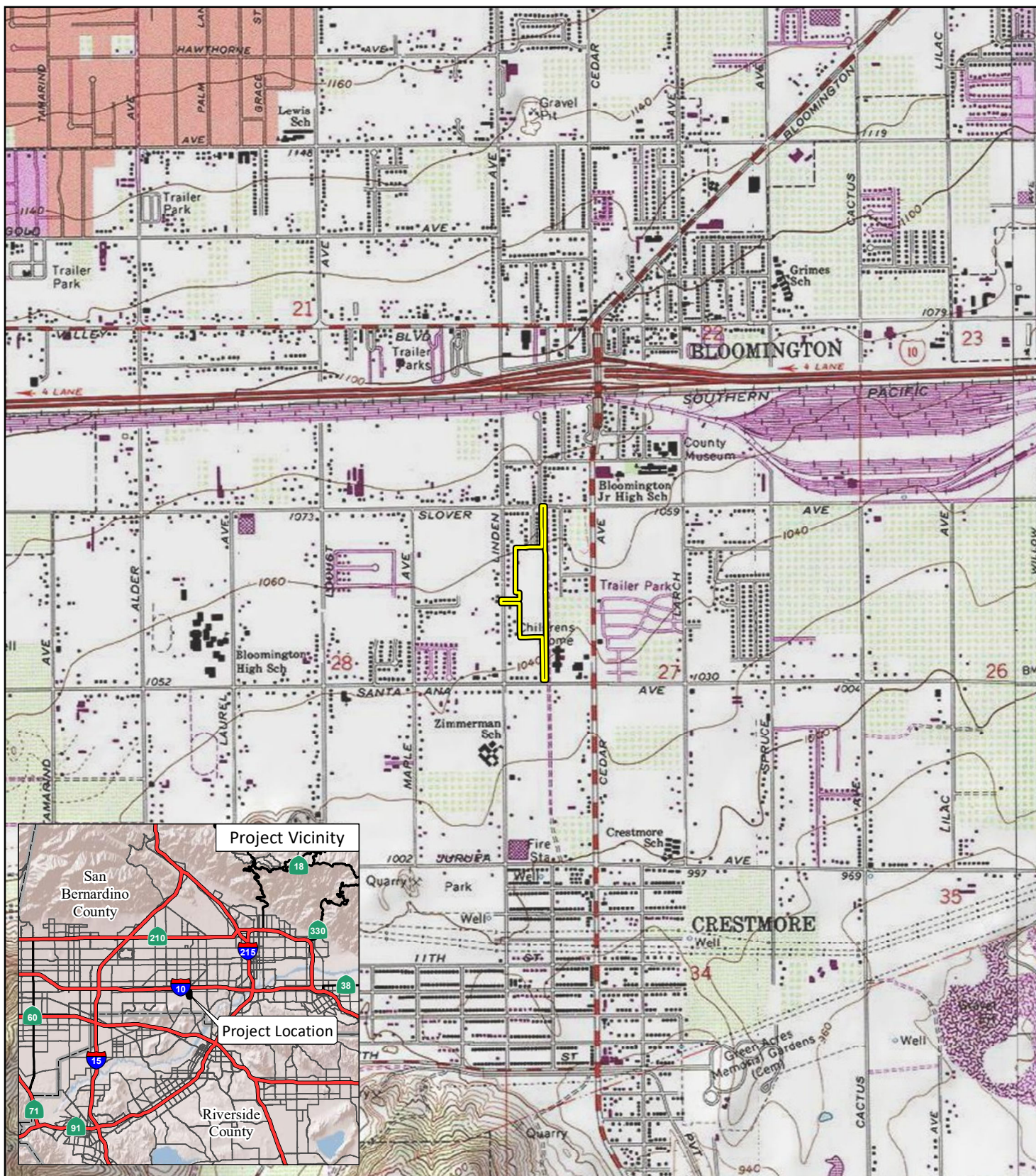
Land adjacent to the northern and western boundary of the Project site is occupied by a single-family residential development, which has a land use designation of Low Density Residential (LDR). The zoning designation for the residential subdivision to the north is Single Residential (RS-1-AA), while the zoning designation for the residences to the west is Single Residential – 20,000-square-foot minimum lot size (RS-20M) under the adopted Countywide Policy Plan. Land adjacent to the east is occupied by single family residences with LDR/Commercial (C) and RS/General Commercial (CG) land use and zoning designations. Land adjacent to the southern boundary of the Project site consists of vacant property and three single family residences and has a MDR land use designation and RS-20M zoning designation.<sup>2</sup> **Table 1** shows the existing land use, County General Plan and zoning designations.

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<sup>1</sup> LSA Associates, Inc. 2022a. Biological Resources Technical Memorandum. February 3. Page 3.

<sup>2</sup> San Bernardino County. n.d. Public San Bernardino County Map Viewer. Website: [Public San Bernardino County Map Viewer \(arcgis.com\)](https://public.sanbernardino.org/arcgis.com) (accessed October 23, 2022).





LSA

LEGEND

Project Location



0 1000 2000  
FEET

SOURCE: USGS 7.5' Quad - Fontana (1980), San Bernardino South (1980), CA  
I:\APO2201\GIS\MXD\ProjLoc\_USGS.mxd (10/12/2022)

FIGURE 1

*Linden Bloomington Condominium Project*  
Regional and Project Location





LSA

LEGEND

Project Site



0 200 400  
FEET

SOURCE: Google (2021)

I:\APO2201\GIS\MXD\ProjVicinity\_Aerial.mxd (10/7/2022)

FIGURE 2

*Linden Bloomington Condominium Project*  
**Project Vicinity Map**



**Table 1: Surrounding Land Uses and County General Plan and Zoning Designations<sup>1</sup>**

Location	Existing Use Occupying the Site	General Plan Land Use Designation	Zoning Designation
Project Site	Undeveloped	Medium Density Residential (MDR)	Single Residential -20,000 square foot minimum lot size (RS-20M)
North	Single-Family Residential	Low Density Residential (LDR)	Single Residential (RS-1-AA)
East	Single-Family Residential	Low Density Residential (LDR) and Commercial (C)	Single Residential (RS)/General Commercial (CG)
South	Vacant land; Single-Family Residential	Medium Density Residential (MDR)	Single Residential -20,000 square foot minimum lot size (RS-20M)
West	Single-Family Residential	Low Density Residential (LDR)	Single Residential -20,000 square foot minimum lot size (RS-20M)

### *Project Description*

The proposed Project would develop 180 units (two stories) of multifamily condominium homes. The condominium homes are attached, and there are 36 buildings (plus a structure at the swimming pool). The 36 residential buildings range from 3–10 units each. The proposed Project would also include a private open-space area; a common open-space area; one community recreation area with pool, spa, club house, barbecues, exercise stations and shade structures; one tot lot with play equipment; and visitor and resident parking spaces on the street within the Project site. Each unit would provide two-car garages attached to the unit. The site would also be developed with an entrance courtyard with signage, automatic gates, entry keypad assembly, on-site drive aisles, and a 6-foot perimeter wall. Access to the site would be from Linden Avenue at its intersection with J Street, and from Santa Ana Avenue and Slover Street. Additionally, an emergency-only gated driveway would be located from Orchard Street. See **Figure 3: Conceptual Project Site Plan** and **Appendix A: Site Plans**.

The Project site has a current land use designation of Medium Density Residential (MDR) per the Countywide Plan/Policy Plan and is currently zoned Single Residential - 20,000-square-foot minimum lot size (RS-20M). The current zoning does not allow multifamily residential projects. A zoning amendment would be required to change the zoning from RS-20M to Multi Residential (RM) in order for the Project to be approved. No General Plan Amendment (GPA) is required as multifamily residential is allowed under the MDR land use designation.

### *Construction*

Construction activities include removal of existing on-site vegetation; excavation; grading; paving; construction of the residential units, common open space area, recreation building, tot lot and parking areas; and the installation of lighting, landscaping, and utility connections. During grading, on-site soils would be excavated and recompacted in accordance with the 2019 California Building Code (CBC) to accommodate all the Project components.

<sup>1</sup> San Bernardino County. n.d. Public San Bernardino County Map Viewer. Website: [Public San Bernardino County Map Viewer \(arcgis.com\)](https://public.sanbernardino.org/arcgis.com) (accessed October 23, 2022).

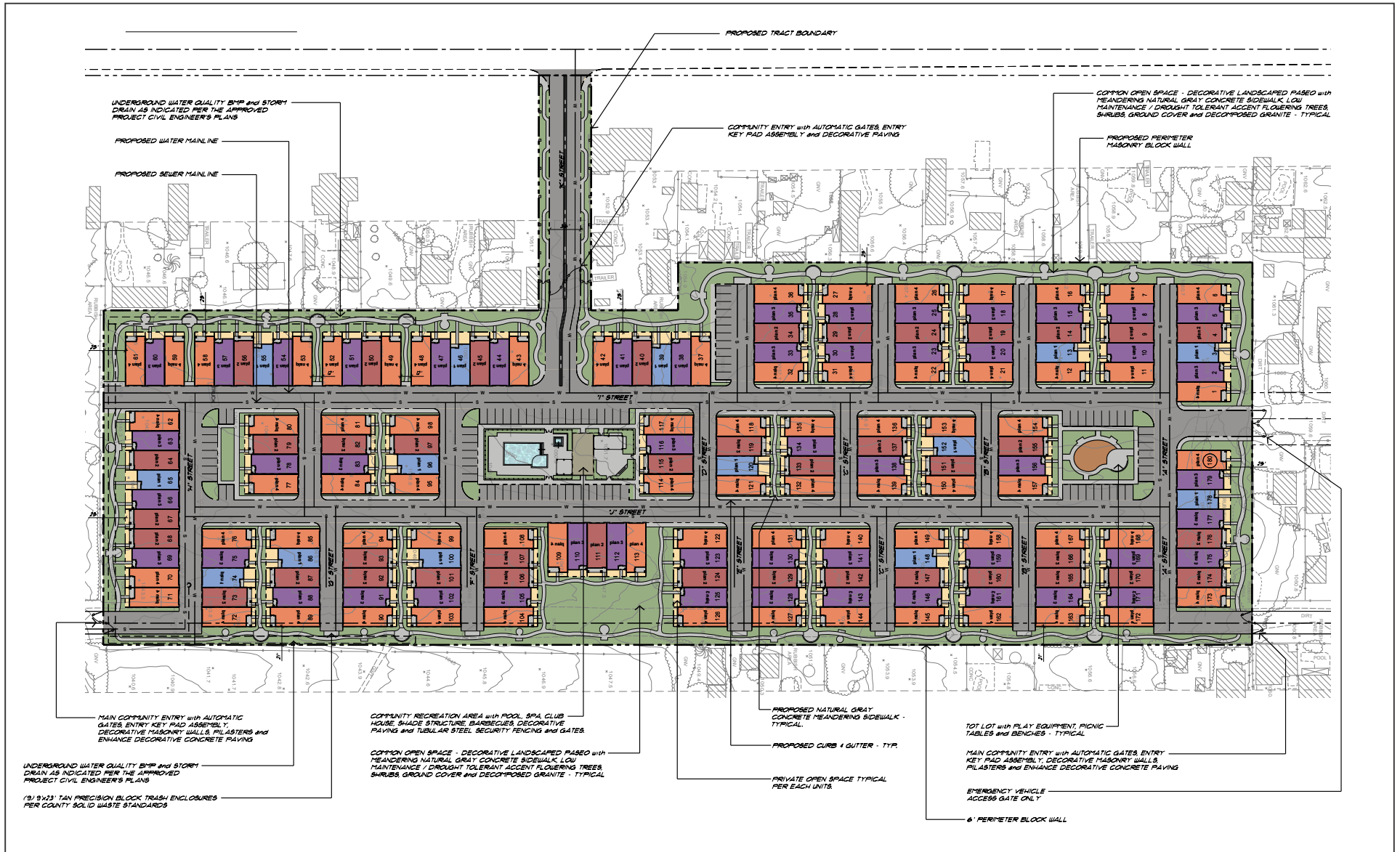


FIGURE 3



Construction equipment parking and staging areas would be on site. Construction hours would conform to County standards and be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday in accordance with San Bernardino County Development Code Section 83.01.080(g). (3) (SBCC).<sup>1</sup> During Project construction, it is possible there would be temporary lane closures and/or detours necessary along Orchard Street, Linden Avenue, Santa Ana Avenue, and Slover Street. Construction of the Project is anticipated to commence in May 2023 and finish by April 2027.<sup>2</sup>

### Site Design

The Project would be a condominium community with a maximum building height of 45 feet. The minimum front and rear setbacks would be 25 and 15 feet respectively. The minimum street side setback would be 15 feet while the interior side setback would be 5 feet on one side and 10 feet on the other. **Table 2** provides information of the development standards.<sup>3</sup>

**Table 2: Minimum Lot Requirements**

<b>Lot Area:</b>	625,086 square feet
<b>Unit Width:</b>	22.5 linear feet. (L.F.)
<b>Unit Depth:</b>	57 linear feet
<b>Common Open Space</b>	233,995 square feet
<b>Average Private Open Space</b>	150 square feet
<b>Minimum Building Setback to Building</b>	25'
<b>Front Elevation</b>	Spanish Revival
<b>Rear Alley Garage:</b>	All Units
<b>Front Setback</b>	25' L.F.
<b>Side Setback</b>	25' L.F.
<b>Corner Lots</b>	12 L.F.
<b>Rear Setback:</b>	21 L.F.
<b>Maximum Building Height</b>	32'

The Project includes the development of 180 units (two-story) of attached multifamily condominium units with private open space area for each unit. The common open space would be a decorative landscaped paseo with meandering natural gray concrete sidewalk, low maintenance and drought-tolerant accent flowering trees, shrubs, ground cover and decomposed granite. The community recreation area would include a pool, spa, clubhouse, shade structures, barbecues, decorative paving, and tubular steel security fencing with gates. The tot lot would include play equipment, picnic tables, and benches.

The main community entryways would include automatic gates, entry keypad assembly, masonry walls, pilasters, and enhanced concrete paving to provide an aesthetic appeal to the

<sup>1</sup> San Bernardino County. 2014. Code of Ordinances. Title 8 Development Code. Website: [§ 83.01.080. Noise., Chapter 83.01. GENERAL PERFORMANCE STANDARDS, Division 3. COUNTYWIDE DEVELOPMENT STANDARDS, Title 8. DEVELOPMENT CODE, Code of Ordinances, San Bernardino County \(elaws.us\)](#) (accessed April 29, 2022).

<sup>2</sup> LSA. Noise Memorandum. *Noise and Vibration Impact Analysis for the Linden Bloomington Condos Project in the Unincorporated Community of Bloomington, San Bernardino County, California*. November 4, 2022

<sup>3</sup> Avila Collection. Tentative Tract Map 20481. Development Plan, Page 12.

community frontage. A 6-foot perimeter block wall would also be surrounding the site, separating the surrounding development from the condominiums.

Four floor plans are proposed for the condominiums. Home sizes would range from 1,125 square feet (Plan 140), 1,140 square feet (Plan 160), 1,145 square feet (Plan 170) to 1,177 square feet (Plan 190). Plan 140 would include homes with 2 bedrooms and 2.5 bathrooms; with 8 designated lots for affordable housing. Plan 160 would include homes with 3 bedrooms and 2.5 bathrooms. Plan 170 homes would include homes with 3 bedrooms, 1 loft, and 2.5 bathrooms. Plan 190 homes would include homes with 4 bedrooms, 1 loft, and 2.5 bathrooms. The Project site would provide open space area around the perimeter of the site, along perimeter of the buildings. The common open space area would provide decorative landscape paseo (pedestrian passways) with meandering natural gray concrete sidewalk and low maintenance/drought tolerant accent flowering trees. The landscape would include shrubs, ground cover, and decomposed granite along the passways. The private areas would be maintained and governed by a homeowners association. The proposed condominium development would be Spanish Revival architectural style with four color schemes. **Figure 3: Conceptual Project Site Plan**

Project development would be subject to compliance with State and County development standards. Specifically, the Project would include landscaped areas in accordance SBCC Chapter 83.10 (Landscape Standards), Chapter 83.06 (Fencing, Hedges and Walls), and Chapter 83.13 (Sign Regulation). The housing units would be developed in conformance with Chapter 84.16 (Multi Family Residential Development Standards) and parking spaces would be developed in conformance with Chapter 83.11 (Parking and Loading Standards) of the County Development Code.

Lighting would be installed throughout the on-site drive aisles, common open space area, and along the site's frontage on Orchard Street and Linden Avenue. All lighting on the Project site would comply with Chapter 83.07 (Glare and Outdoor Lighting) of the County Development Code, which requires light shielding, functional and aesthetic design, and compatibility with surrounding uses.

#### *Wall and Fence Plan*

The wall and fence plan provides privacy, screening, and security. The wall and fences for the Project plan would be decorative materials that are compatible with the overall architecture character of the development and surrounding areas. The north property line would be surrounded by a 6-foot tall, tan, split-block wall. The following would be provided by the Project.<sup>1</sup>

- North Property Line—6-foot-tall, tan concrete block wall towards the exterior with tan stucco finish towards the interior and decorative brick wall cap; 6-foot-tall double swinging tubular steel emergency vehicle access gate.
- South Property Line—6-foot-tall, tan concrete block wall towards the exterior with tan stucco finish towards the interior and decorative brick wall cap; 6-foot-tall double swinging tubular steel automatic entry gate.

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<sup>1</sup> Avila Collection. Tentative Tract Map 20481. Development Plan, page 5.

- West Property Line—6-foot-tall, tan concrete block wall towards the exterior with tan stucco finish towards the interior and decorative brick wall cap; 6-foot-tall double swinging tubular steel automatic entry gate.
- East Property Line—6-foot-tall, tan concrete block wall towards the exterior with tan stucco finish towards the interior and decorative brick wall cap.
- Monument sign at the entrance, 18-inch decorative pilaster, maximum 6-foot-6-inch-tall tan precision block pilaster with El Dorado stone veneer on one side only visible from the main entry streets with a decorative red brick pilaster cap.
- Private Court Yard Fencing—1 course masonry block wall with stucco coat and cap to match residence with 3-foot-tall tubular steel fencing above.
- Pool—5-foot-6-inch-height tan tubular steel security pool fencing with pedestrian gates.

#### *Circulation and Access*

The Project would provide three driveways approximately 36 feet in width to accommodate private and public vehicles. Access to the site would be via Linden Avenue at its intersection with J Street and from Santa Ana Avenue and Slover Street. Additionally, an emergency-only gated driveway would be constructed from Orchard Street. Pedestrian access to the Project site would be via curb and sidewalks that would be constructed and/or improved along the Project entryways of Linden Avenue, Santa Ana Avenue, Slover Street, and Orchard Street. **See Figure 3: Conceptual Project Site Plan. Appendix A** contains Project plans.

In addition, the Project will provide a total of 93 guest parking stalls throughout the community, out of which 4 will be designated for handicap. The remaining portions of the Project site not occupied by condominiums, common open space area and recreation area, tot lot and parking spaces would contain landscaping which would consist of drought-tolerant accent flowering trees, shrubs, groundcover vegetation, and decomposed granite.<sup>1</sup> **See Figure 3** for reference.

#### *Drainage*

The majority of the Project site consists of pervious surface area. Currently, stormwater generally sheet flows to the south and drains offsite into the Santa Ana River via storm drains. The proposed Project is expected to maintain the existing drainage pattern. Upon development of the site, all on-site stormwater would be captured on site in accordance with Santa Ana Regional Water Quality Control Board Order Number R8-2010-0033, National Pollutant Discharge Elimination System Permit No. CAS618033, also known as the Municipal Separate Storm Sewer System or MS4 permit. All runoff would be collected via area drains inlets and pipes and be conveyed to an underground perforated pipe infiltration system. The excess discharge would surface drain out to the existing properties to the south. A continuous deflective separation (CDS) clarifier is also proposed for pre-treatment purposes to clean runoff before it gets discharged into the surrounding water bodies.

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<sup>1</sup> Avila Collection. Tentative Tract Map 20481. Development Plan, page 1.

### *Infrastructure*

Utility infrastructure including water, sewer, natural gas, electricity, and telephone/cable are already established adjacent to the Project site along Linden Avenue. The West Valley Water District (WVWD) would provide potable water and sewer service to the Project site, Southern California Gas Company would provide natural gas, Southern California Edison would provide electricity, Verizon would serve the Project site for telephone service, and Spectrum would serve the Project site for cable needs. On-site infrastructure in the form of water and sewer lines and laterals would be installed as part of the proposed Project to establish connections to existing utility lines. Natural gas lines and laterals and electrical infrastructure would also be developed as part of the Project and connect to existing off-site infrastructure along Linden Avenue. Utility infrastructure does not exist on the Project site, so relocation of such infrastructure would not be required.

### **SITE PHOTOGRAPHS**



**Photo 1:** Taken from the northeast property line looking southwest across the site.



**Photo 2:** View from the western portion of the site facing east.



**Photo 3:** View from northwest corner of the site facing south.



**Photo 4:** View from southwest corner of the site facing east.

### **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.?

Yes, please see Section XVIII of this Initial Study/Mitigated Negative Declaration for a full analysis on Tribal Cultural Resources.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for

delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

The following is a summary of the tribal notification process that was conducted pursuant to AB 52. Any mitigation/monitoring measures provided by the tribes is incorporated into this document and will become conditions of approval for the project.

Tribe	AB 52 Letter Sent	Response Received	Consultation Requested	Date of Consultation
Twentynine Palms Band of Mission Indians	9/1/2022	-	-	-
Gabrieleno Band of Mission Indians-Kizh Nation	9/1/2022	9/12/2022	Yes	11/3/2022
Morongo Band of Mission Indians	9/1/2022	-	-	-
San Gabriel Band of Mission Indians	9/1/2022	-	-	-
San Manuel Band of Mission Indians	9/1/2022	9/29/2022	No	Standard Mitigation Provided

### **EVALUATION FORMAT**

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code (PRC) Section 21000, et seq. and the *State CEQA Guidelines* (California Code of Regulations [CCR] 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 Project's effects are categorized into one of the following four categories of possible determinations:

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

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

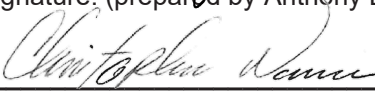
On the basis of this initial evaluation, the following finding is made:



<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: (prepared by Anthony DeLuca, Senior Planner)

12/12/2022  
 Date

  
 Signature: (Chris Warrick, Supervising Planner)

12/12/2022  
 Date

## CEQA ENVIRONMENTAL CHECKLIST

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>I. AESTHETICS</b> – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b> (Check <input type="checkbox"/> if project is located within the view-shed of any Scenic Route listed in the General Plan):				
<b>San Bernardino County, Countywide Plan Draft EIR, Aesthetics; California Department of Transportation (Caltrans); United States Census Bureau</b>				

**a) Less than Significant Impact.** The Countywide Plan indicates the Valley Region, in which the Project site is located, includes a number of scenic resources that are viewable scenic vistas, including the San Bernardino Mountain range and the Yucaipa and Crafton Hills to the north, and La Loma Hills, Jurupa Hills, and Chino Hills to the south.<sup>1</sup>

Scenic vistas are generally not available in the Project area due to the urbanized and built-out nature of the area. Adjacent residential development, mature landscaping, and transportation and utility infrastructure obstruct views of the San Bernardino Mountain range to the north, La

<sup>1</sup> San Bernardino County. 2019h. *Countywide Plan Draft EIR. Aesthetics*. June. Page 5.1-3. [https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch\\_05-01-AE.pdf](https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-01-AE.pdf) (accessed April 21, 2022).

Loma Hills to the southeast, Jurupa Hills to the south, and Chino Hills to the southwest of the Project site.

The Project site has a Medium Density Residential (MDR) land use and Single Residential – 20,000-square-foot minimum lot size (RS-20M) zoning designations. The proposed Project would change the zoning designation for the Project site from “Single Residential – 20,000-square-foot minimum lot size (RS-20M)” to the “Multifamily Residential (RM)” to accommodate for the development of 180 units of condominium homes. The proposed Project would have a maximum building height of 45 feet. The maximum building height and minimum building setbacks developed on site would comply with the development standards set forth by the County of San Bernardino (County) in the Development Code. Residents in these homes would have obstructed views of scenic vistas when looking through the Project site due to the intervening topography, trees, and urbanized and built-out nature of the area. Implementation of the proposed Project would not substantially affect the availability of existing views of the San Bernardino Mountains, La Loma Hills, Jurupa Hills, and Chino Hills. The proposed Project would therefore not have a substantial effect on a scenic vista, and impacts would be **less than significant**. Mitigation is not required.

**b) No Impact.** The California Department of Transportation (Caltrans) Scenic Highway Program does not identify any State-designated scenic highways near the Project site. The nearest designated Scenic Highway is a portion of State Route 91 in Anaheim Hills (Riverside Freeway), approximately 22 miles southwest of the Project site.<sup>1</sup> Because there are no scenic highways or roadways near the Project site, the Project would not affect scenic resources within a State scenic highway. **No impact** would occur, and no mitigation is required.

**c) Less than Significant Impact.** As of April 1, 2020, the United States Census Bureau estimated Bloomington’s population to be 24,339 persons and the land area to be 5.99 square miles.<sup>2</sup> The Project is in an area with at least 1,000 persons per square mile and therefore meets the definition of *Urbanized Area* under Section 15387 of the *State CEQA Guidelines*.

In its existing condition, the Project site consists of a vacant lot with ruderal vegetation. During construction, the presence of construction vehicles and equipment could temporarily degrade the visual quality of the Project site by removal of vegetation, heavy equipment use, and storage, excavation, and the presence of other visible general construction activity. The presence of construction equipment and vehicles would be temporary and would cease once construction is complete, and they would not interfere with views or visual character of the surrounding area. Due to the temporary nature of construction activities, impacts to visual character of the site and its surroundings would be **less than significant** during construction.

The Project site has a Medium Density Residential (MDR) land use and Single Residential – 20,000-square-foot minimum lot size (RS-20M) zoning designations. The proposed Project would change the zoning designation for the Project site from “Single Residential – 20,000-square-foot minimum lot size (RS-20M)” to the “Multifamily Residential (RM)” to accommodate the development of 180-unit condominium homes. However, no GPA is

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<sup>1</sup> California Department of Transportation. 2019. State Scenic Highway System Map. Website: <https://www.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca> (accessed April 21, 2022).

<sup>2</sup> United States Census Bureau. n.d. *QuickFacts, Bloomington CDP, California*. <https://www.census.gov/quickfacts/fact/table/bloomingtoncdpcalifornia,US/PST045221> (accessed April 21, 2022).

required. Although the proposed Project requires a zone amendment to accommodate for the 180-unit condominium development, the zone change is a municipal exercise intended to achieve consistency of land use development in accordance with the existing MDR land use designation of the County General Plan.

The proposed Project would be designed and constructed in conformance with the requirements of Chapter 83.06 (Fences, Hedges, and Walls), Chapter 83.10 (Landscaping Standards) and Chapter 84.16 (Multi Family Residential Development Standards) of the County Development Code, which establishes development standards to ensure a high-quality development compatible with the surrounding community, the general plan land use designation, and zoning district in which the Project is located.

The proposed Project would be subject to the County's Design Review process, which provides for the review of the physical improvements to the site, including the overall scale of the buildings, setbacks, massing, design, and landscape. The Design Review of the proposed Project ensures compatibility and compliance with County design guidelines set forth in the County's Development Code to ensure a high-quality development compatible with the surrounding community, the general plan land use designation, and zoning district. Because the proposed Project would be consistent with the development standards set forth by the County's Development Code and undergo the required Design Review, the proposed Project would not conflict with any regulations governing scenic quality. Impacts would be **less than significant**, and mitigation is not required.

**d) Less than Significant Impact.** Currently, there are no sources of light and glare on the Project site. The existing residential structures and commercial facility surrounding the site have proper measures in place to prevent significant light or glare. Sources of light and glare in the Project area include street lighting, vehicle lighting on adjacent roadways, and residential lighting. The Project is south of Orchard Street and east of Linden Avenue, which are heavily lit and well-traveled by vehicles. There are also residential light sources in all directions surrounding the Project site. The nearest light-sensitive receptors to the Project site include the residences to the north, west, and east, and residences to the south beyond the vacant land.

Development of the Project site would introduce new sources of light into the Project area. Lighting would be installed throughout the recreation and common open space area and along on-site pedestrian pathways. All lighting on the Project site would comply with Chapter 83.07 (Glare and Outdoor Lighting) of the San Bernardino County Development Code, which requires light shielding, functional and aesthetic design, and compatibility with surrounding uses. The purpose of these lighting standards is to minimize light pollution, glare, and spillover, conserve energy resources, and curtail the degradation of the nighttime visual environment. Additionally, the County's Design Review process includes consideration of material composition and colors to reduce potential for substantial glare from the proposed development. Therefore, through compliance with Chapter 83.07 of the County Development Code, Project impacts related to light and glare would be **less than significant**. Mitigation is not required.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>II. AGRICULTURE AND FORESTRY RESOURCES</b> - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b> (Check <input type="checkbox"/> if project is located in the Important Farmlands Overlay):				
<b>San Bernardino Countywide Plan 2020; California Department of Conservation Farmland Mapping and Monitoring Program; San Bernardino County Williamson Act FY 2015/2016;</b>				

**a) Less than Significant Impact.** The most recent agricultural land conversion data for San Bernardino County is for the 2014 to 2016 period. **Table 3, San Bernardino County Agricultural Land Conversion 2014–2016**, shows the land converted in San Bernardino County during the 2014–2016 period. For the 2-year period, San Bernardino County had a 2,406-acre decrease in the amount of agricultural land inventory.

**Table 3: San Bernardino County Agricultural Land Conversion 2014–2016**

Land Use Category	Total Acreage Inventoried		2014–2016 Acreage Changes			
	2014	2016	Acres Lost (-)	Acres Gained (+)	Total Acreage Changed	Net Acreage Changed
Prime Farmland	11,715	11,233	850	458	1,308	-392
Farmland of Statewide Importance	5,702	5,770	184	252	436	68
Unique Farmland	2,675	2,738	92	155	247	63
Farmland of Local Importance	605	562	118	75	193	-43
Important Farmland Subtotal	20,697	20,393	1,244	940	2,184	-304
Grazing Land	900,735	898,633	3,629	1,527	5,156	-2,102
Agricultural Land Subtotal	921,432	919,026	4,873	2,467	7,340	-2,406
Urban and Built-up Land	282,905	286,407	419	3,921	4,340	3,502
Other Land	244,700	243,604	2,540	1,444	3,984	-1,096
Water Area	510	510	0	0	0	0
<b>Total Area Inventoried</b>	<b>1,449,547</b>	<b>1,449,547</b>	<b>7,832</b>	<b>7,832</b>	<b>15,664</b>	<b>0</b>

Source: California Department of Conservation, Division of Land Resource Protection, n.d.

The Farmland Mapping and Monitoring Program<sup>1</sup> designates the project site as “Urban and Built-Up Land.” Neither the site nor adjacent properties are designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, **no impact** to farmland would occur and no mitigation is required.

**b) No Impact.** The Project site is zoned as Single Residential – 20,000-square-foot minimum lot size (RS-20M) and is not zoned for agricultural use. In addition, the Project site is in “Urban and Built-Up Land” and is therefore not subject to a Williamson Act Contracts.<sup>2</sup> As such, implementation of the proposed Project would not conflict with existing zoning for agricultural use, nor would it conflict with a Williamson Act Contract. **No impact** would occur and no mitigation is required.

**c) No Impact.** As shown in **Table 1, Surrounding Land Uses and General Plan and Zoning Designations**, in the Project Description section, neither the Project site nor adjacent lands are zoned for forest land or timberland production. Therefore, there is no potential for the Project to conflict with existing zoning for forest land or land zoned for timberland production. The zoning is currently Single Residential - 20,000-square-foot minimum lot size (RS-20M)

<sup>1</sup> California Department of Conservation. n.d. California Important Farmland Finder. Website: <https://maps.conservation.ca.gov/DLRP/CIFF/> (accessed April 21, 2022).

<sup>2</sup> California Department of Conservation. 2017. *State of California Williamson Act Contract Map*. Website: [California Department of Conservation Williamson Map 2016.pdf \(lacity.org\)](https://www.dnr.ca.gov/Programs/Planning/WilliamsonAct/WilliamsonActMap2016.pdf) (accessed April 20, 2022).

and would be rezoned by a zoning amendment that would change the zone from RS-20M to Multi Residential (RM). **No impact** would occur, and no mitigation is required.

**d) No Impact.** The Project site and adjacent land are not occupied by forest resources. Implementation of the proposed Project would not result in the loss or conversion of forest land to non-forest land. **No impact** would occur to forest land and no mitigation is required.<sup>1</sup>

**e) Less than Significant Impact.** No farmland or forest land occur on site or on adjacent land. Therefore, implementation of the proposed Project would not involve other changes in the existing environment that could result in the conversion of farmland to non-agricultural use, or conversion of forest land to non-forest use. **No impact** would occur and no mitigation is required.<sup>2</sup>

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<sup>1</sup> United States Department of Agriculture, United States Forest Service. Region 5 National Forests Map in California. Interactive Map. [Region 5 - Maps & Publications \(usda.gov\)](https://www.usda.gov/region5/maps-publications) (accessed May 2, 2022).

<sup>2</sup> Ibid.



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

<b><i>SUBSTANTIATION:</i></b>
<b><i>LSA Associates Inc. Air Quality, Greenhouse Gas Emissions, and Energy Analysis for the Linden Bloomington Condos Project. November 2, 2022. (Appendix B of the Initial Study); South Coast Air Quality Management District. Final 2016 Air Quality Management Plan; United States Census Bureau; California Code of Regulations Title 14</i></b>

The following analysis is based in part on Air Quality, Greenhouse Gas Emissions, and Energy Analysis for the Linden Bloomington Condos Project prepared by LSA Associates, Inc., on November 2, 2022, and is included in full as Appendix B.<sup>1</sup>

**a) Less than Significant Impact.** The current regional air quality plan is the Final 2016 Air Quality Management Plan (AQMP) adopted by the South Coast Air Quality Management District (SCAQMD) on March 10, 2017.<sup>2</sup> The 2016 AQMP incorporates current scientific, technological, and planning assumptions including the Southern California Association of Governments (SCAG) 2016 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and updated air pollution emission inventory methodologies for various air pollution source categories. The 2016 AQMP addresses new and changing federal requirements, implements new technology measures to reduce air pollution, and continues the SCAQMD legacy of developing economically sound and flexible regulatory compliance approaches for the South Coast Air Basin (Basin).

<sup>1</sup> LSA Associates Inc. 2022b. Air Quality, Greenhouse Gas Emissions, and Energy Analysis for the Linden Bloomington Condos Project. November 2.

<sup>2</sup> South Coast Air Quality Management District. 2016. *Final 2016 Air Quality Management Plan*. March.

The Basin is currently a federal and State nonattainment area for particulate matter less than 10 microns in size (PM<sub>10</sub>), particulate matter less than 2.5 microns in size (PM<sub>2.5</sub>), and ozone (O<sub>3</sub>). The 2016 AQMP proposes attainment demonstration of the federal PM<sub>2.5</sub> standards through a more focused control of sulfur oxides (SO<sub>x</sub>), directly emitted PM<sub>2.5</sub>, nitrogen oxides (NO<sub>x</sub>), and volatile organic compounds (VOCs).

Consistency with the AQMP for the Basin means that a project would be consistent with the goals, objectives, and assumptions in the respective plan to achieve the federal and State air quality standards. For a project to be consistent with the AQMP adopted by the SCAQMD, the pollutants emitted from the Project should not exceed the SCAQMD daily threshold or cause a significant impact on air quality, or the Project must already have been included in the AQMP projections. However, if feasible mitigation measures are implemented and shown to reduce the impact level from significant to less than significant, a Project may be deemed consistent with the AQMP. The AQMP uses the assumptions and projections of local planning agencies to determine control strategies for regional compliance status. Because the AQMP is based on the local General Plan, projects that are deemed consistent with the General Plan are found to be consistent with the AQMP. Although the proposed Project requires a zoning amendment from RS-20M to Multifamily Residential (RM), it does not require a General Plan Amendment. As such, the proposed Project would be consistent with the AQMP's air quality emission estimates for the current Medium Density Residential land (MDR) use designation.

Pursuant to the methodology provided in Chapter 12 of the 1993 SCAQMD *CEQA Air Quality Handbook*,<sup>1</sup> consistency for project development proposals that differ from the land use designation assumed within the 2016 AQMP is affirmed when a project: (1) does not increase the frequency or severity of an air quality standards violation or cause a new violation; and (2) is consistent with the growth assumptions in the AQMP. Consistency review is presented below:

1. The Project would result in short-term construction and long-term pollutant emissions that are below the CEQA significance emissions thresholds established in the SCAQMD's *CEQA Air Quality Handbook*, as demonstrated in Section 3.3 (Threshold B), below. Therefore, the Project would not result in an increase in the frequency or severity of any air quality standards violation and would not cause a new air quality standard violation.
2. The *CEQA Air Quality Handbook* indicates that consistency with AQMP growth assumptions must be analyzed for new or amended General Plan elements, Specific Plans, and significant projects. Significant projects include airports, electricity-generating facilities, petroleum and gas refineries, designation of oil-drilling districts, water ports, solid-waste disposal sites, and offshore-drilling facilities; therefore, the proposed Project is not defined as significant.

Based on the Traffic Impact Analysis prepared for the Project,<sup>2</sup> at full buildout the Project would generate 72 trips in the a.m. peak hour, 92 trips in the p.m. peak hour, and 1,213 average daily trips. Although development of the site under the new zoning designation of (Multifamily Residential (RM) would lead to a more intense use of the site, the anticipated number of peak

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<sup>1</sup> South Coast Air Quality Management District. 1993. *CEQA Air Quality Handbook*. Chapter 12.

<sup>2</sup> LSA Associates Inc. 2022c. Linden Bloomington Condos Trip Generation Analysis and CEQA Assessment Memorandum. October 12.

hour trips generated by the proposed Project is found to be lower than the trip threshold (100 peak-hour trips) established by the San Bernardino County's Traffic Impact Study (TIS) Guidelines. As such, a TIS analysis was not required for the proposed Project. In addition, the proposed Project meets the low vehicle miles traveled (VMT) criteria as VMT per person is found to be less than 4 percent below the baseline for unincorporated San Bernardino County. As such, the proposed Project was screened out of the VMT analysis due to it being in a low VMT generating area.

Based on a per-unit occupancy and the number of residential units, the proposed Project would accommodate a population of up to 677 persons.<sup>1</sup> This figure is consistent with future growth projections made by the County; therefore, development of the Project would not generate a population increase inconsistent with the County's projected population growth. Although the Project would increase the density of the residential use through the zone change, the change in designation would support the population growth projections used for San Bernardino County in the AQMP.

Based on the consistency analysis presented above, development of the proposed Project is not expected to exceed the growth projections anticipated in the 2016 AQMP. Furthermore, the Project does not qualify as a project of Statewide, Regional, or Areawide Significance pursuant to the criteria listed in Section 15206(b) of the CCR.<sup>2</sup> Therefore, the proposed Project is consistent with the SCAQMD Final 2016 AQMP. Impacts would be **less than significant**. Mitigation is not required.

**b) Less than Significant Impact.** The SCAQMD's *CEQA Air Quality Handbook* establishes suggested significance thresholds based on the volume of pollution emitted. According to the *Handbook*, any project in the South Coast Air Basin with daily emissions that exceed any of the following thresholds generally is considered as having individually and cumulatively significant air quality impacts:

- 55 pounds (lbs.) per day of VOC (75 lbs./day during construction);
- 55 lbs. per day of NO<sub>x</sub> (100 lbs./day during construction);
- 550 lbs. per day of carbon monoxide (CO) (550 lbs./day during construction);
- 150 lbs. per day of PM<sub>10</sub> (150 lbs./day during construction)
- 55 lbs. per day of PM<sub>2.5</sub> (55 lbs./day during construction); and
- 150 lbs. per day of SO<sub>x</sub> (150 lbs./day during construction).

The Project would generate short-term and long-term emissions of air pollutants, respectively, during construction and operation of the proposed residential community. These emissions are summarized below based on the California Emissions Estimator Model, Version 2020.4.0 (CalEEMod) runs prepared for the Project-specific Air Quality, Greenhouse Gas, and Energy Impact Analysis (Appendix B).

**Short-term Emissions:** Short-term emissions would result from construction-related activities such as excavation and grading, machinery and equipment emissions, and vehicle

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<sup>1</sup> United States Census Bureau. n.d. *QuickFacts, Bloomington CDP, California*. 3.76 persons per household x 180 condominiums = 676.8 persons

<sup>2</sup> California Code of Regulations Title 14, Division 6, Chapter 3, Article 13, §15206(b). *Projects of Statewide, Regional, or Areawide Significance*.

emissions from construction employees,<sup>1</sup> etc. Emissions during grading and construction activities would vary as construction activity levels change. Air pollutant emission sources during Project construction would include:

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

The construction analysis includes estimating the construction equipment that would be used during each construction phase, the hours of use for that construction equipment, the quantities of earth and debris to be moved, and on-road vehicle trips (worker, soil hauling, and vendor trips).

The duration of construction activity and associated construction equipment was based on the CalEEMod Version 2020.4.0 defaults for phasing. Construction is planned to start in May 2023 and finish by April 2027. However, to be conservative and consistent with CalEEMod modeling parameters, the starting date was specified in CalEEMod and the rest of the schedule was left at CalEEMod defaults, which resulted in a compressed schedule ending in October 2024. Other than the construction start date, CalEEMod defaults were used in the analysis.

**Table 4, Estimated Construction Emissions**, identifies the maximum daily emissions associated with construction activities and indicates any criteria pollutant emission thresholds that would be exceeded from construction of the proposed Project.

**Table 4: Estimated Construction Emissions**

Construction Phase	Total Regional Pollutant Emissions (pounds per day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Site Preparation	3	28	19	<1	9	5
Grading	3	35	29	<1	5	2
Building Construction	2	16	23	<1	2	<1
Paving	1	10	15	<1	<1	<1
Architectural Coating	58	1	3	<1	<1	<1
Peak Daily Emissions	58	35	29	<1	9	5
SCAQMD Thresholds	75	100	550	150	150	55
Significant Emissions?	No	No	No	No	No	No

Source: LSA 2022b. Table C.

CO = carbon monoxide

NO<sub>x</sub> = nitrogen oxides

PM<sub>2.5</sub> = particulate matter less than 2.5 microns in size

PM<sub>10</sub> = particulate matter less than 10 microns in size

SCAQMD = South Coast Air Quality Management District

SO<sub>x</sub> = sulfur oxides

VOC = volatile organic compound

The construction calculations prepared for the Project assume that dust control measures would be employed to reduce emissions of fugitive dust during site grading. Adherence to

<sup>1</sup> This analysis assumes an average construction worker trip length of 14.7 miles one-way per default values in CalEEMod.

AQMD Rule 403, including the implementation of Best Available Control Measures (BACM), is a standard requirement for any construction activity occurring within the Basin. Among the requirements under this rule, fugitive dust must be controlled so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. These measures may include, but are not limited to:

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

SCAQMD published its *Final Localized Significance Threshold Methodology* in June 2003 and updated it in July 2008,<sup>1</sup> recommending that all air quality analyses include an assessment of both construction and operational impacts on the air quality of nearby sensitive receptors. Localized significance thresholds (LST) represent the maximum emissions from a project site of up to 5 acres that are not expected to result in an exceedance of the National Ambient Air Quality Standards or California Ambient Air Quality Standards for CO, nitrogen dioxide (NO<sub>2</sub>), PM<sub>10</sub>, and PM<sub>2.5</sub>. LSTs are based on the ambient concentrations of that pollutant within the project Source Receptor Area and the distance to the nearest sensitive receptor. Sensitive receptors include residences, schools, hospitals, and similar uses that are sensitive to adverse air quality. The closest sensitive receptors are single-family residential uses surrounding the Project site with the closest approximately 5 feet from the boundary of construction. As specified in the SCAQMD LST methodology, even in circumstances like this where a sensitive receptor is very close to the Project boundary, the minimum distance to be analyzed in the LST analysis is 25 meters, or approximately 80 feet.

**Long-term Emissions:** Long-term (operational) air pollutant emissions are those associated with area sources, stationary sources, and mobile sources involving any Project-related changes. Operational emissions from area sources include architectural coatings, consumer products, hearths, and landscaping. Energy sources include natural gas consumption for heating and cooking. Mobile source emissions are associated with vehicle trips associated with a Project. Long-term emissions were calculated for VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> that are expected to be generated through operation of the proposed Project. Based on the Trip Generation Analysis and CEQA Assessment Memorandum prepared for the Project, at full buildout the Project would generate 1,213 average daily trips. **Table 5, Operational Emissions**, presents the estimated operational emissions for the proposed Project.

Vehicular trips associated with the proposed project would contribute to congestion at intersections and along roadway segments in the project vicinity. Localized air quality impacts would occur when emissions from vehicular traffic increase as a result of the proposed project.

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<sup>1</sup> South Coast Air Quality Management District. 2003. *Final Localized Significance Thresholds Methodology*. June 2003, Revised July 2008. Website: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf?sfvrsn=2> (accessed April 21, 2022).

**Table 5: Operational Emissions**

Source	Pollutant Emissions (pounds per day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area Sources	4	<1	15	<1	<1	<1
Energy Sources	<1	<1	<1	<1	<1	<1
Mobile Sources	4	5	38	<1	10	3
Total Project Emissions	8	6	53	<1	10	3
SCAQMD Thresholds	55	55	550	150	150	55
Significant?	No	No	No	No	No	No

Source: LSA. 2022b. Table E.

CO = carbon monoxide

NO<sub>x</sub> = nitrogen oxides

PM<sub>2.5</sub> = particulate matter less than 2.5 microns in size

PM<sub>10</sub> = particulate matter less than 10 microns in size

SCAQMD = South Coast Air Quality Management District

SO<sub>x</sub> = sulfur oxides

VOC = volatile organic compounds

The primary mobile-source pollutant of local concern is CO, a direct function of vehicle idling time and, thus, of traffic flow conditions. CO transport is extremely limited; under normal meteorological conditions, CO disperses rapidly with distance from the source. However, under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels, affecting local sensitive receptors (e.g., residents, schoolchildren, the elderly, and hospital patients). Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service or with extremely high traffic volumes. In areas with high ambient background CO concentrations, modeling is recommended to determine a project's effect on local CO levels.

An assessment of Project-related impacts on localized ambient air quality requires that future ambient air quality levels be projected. Existing CO concentrations in the immediate Project vicinity were not available. Ambient CO levels monitored at the closest California Air Resources Board (CARB) station, the San Bernardino Station, show a highest recorded 1-hour concentration of 2 parts per million (ppm) (the State standard is 20 ppm) and a highest 8-hour concentration of 1.6 ppm (the State standard is 9 ppm) during the past 3 years.

The highest CO concentrations would normally occur during peak traffic hours; hence, CO impacts calculated under peak traffic conditions represent a worst-case analysis. As described in the Project-specific Trip Generation Analysis and CEQA Assessment Memorandum, the Project is expected to add approximately 92 vehicle trips per hour<sup>1</sup> during the peak hour to local roads. This low level of traffic would not substantially alter the existing traffic flow. Therefore, the project can be implemented in an existing setting with no significant peak-hour intersection impacts. Because no CO hot spots would occur, there would be no Project-related impacts on CO concentrations.

The cumulative impacts analysis is based on projections in the regional AQMP. As detailed in Section 3.3 (Threshold A), the proposed Project is consistent with growth projections of the General Plan and would not conflict with or obstruct implementation of the regional AQMP.

Construction emissions can vary greatly depending on the level of activity, the specific operations taking place, the equipment operated, local soils, weather conditions, and other

<sup>1</sup> LSA Associates Inc. 2022c. *Linden Bloomington Condos Trip Generation Analysis and CEQA Assessment Memorandum*. October 12.

factors. Even with the compressed schedule described above, the anticipated peak daily construction emissions shown in **Table 4** indicate the construction emissions from the proposed Project would not exceed the corresponding SCAQMD daily emission thresholds for criteria pollutants.

Due to the nonattainment status of the Basin, the primary air pollutants of concern would be NO<sub>x</sub> and reactive organic gases (ROG), which are ozone precursors, and PM<sub>10</sub> and PM<sub>2.5</sub>. As detailed in **Table 5**, long-term emissions were calculated for NO<sub>x</sub>, ROG, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> that are expected to be generated through operation of the proposed Project; Project-related emissions would not exceed the established SCAQMD daily emission thresholds for any criteria pollutants.

No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions would contribute to existing cumulatively significant impacts to air quality. The SCAQMD developed the operational thresholds of significance based on the level above which a project's individual emissions would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. Therefore, a project that exceeds the SCAQMD's operational thresholds would also have a cumulatively considerable contribution to a significant air quality impact. Because the proposed Project would not exceed any air quality emissions thresholds for both construction and operations, the Project would not result in a cumulatively considerable contribution to significant air quality impacts. Short-term and long-term cumulative air quality impacts would be **less than significant**. Mitigation is not required.

**c) Less than Significant Impact.** The SCAQMD recommends the evaluation of localized CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> construction- and operation-related impacts to sensitive receptors in the immediate vicinity of the Project site. Sensitive receptors include residences, schools, hospitals, and similar uses that are sensitive to adverse air quality. The closest sensitive receptors are single-family residential uses surrounding the Project site with the closest approximately 5 feet from the boundary of construction. As specified in the SCAQMD LST methodology, even in circumstances like this where a sensitive receptor is very close to the Project boundary, the minimum distance to be analyzed in the LST analysis is 25 meters, or approximately 80 feet.

**Table 6, Short-Term Construction Localized Impacts Analysis**, shows that the on-site emissions of the pollutants on the peak day of construction would result in concentrations of pollutants at these nearest residences that are all below the SCAQMD thresholds of significance. Therefore, construction of the Project would not result in a locally significant air quality impact.

**Table 6: Short-Term Construction Localized Impacts Analysis**

Emissions Sources	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
On-Site Emissions (pounds per day)	35	28	9	5
LSTs (pounds per day)	237	1,488	12	7
Significant Emissions?	No	No	No	No

Source: LSA. 2022b. Table D.

Note: LSTs based on SRA – Central San Bernardino Valley, 4 acres, 80-foot distance

CO = carbon monoxide

LST = localized significance threshold

NO<sub>x</sub> = nitrogen oxides

PM<sub>2.5</sub> = particulate matter less than 2.5 microns in size

PM<sub>10</sub> = particulate matter less than 10 microns in size

SRA = Source Receptor Area

**Table 7, Long-Term Operational Localized Impacts Analysis**, indicates the localized operational emissions would not exceed the LSTs on site. Therefore, the proposed operational activity would not result in a locally significant air quality impact.

**Table 7: Long-Term Operational Localized Impacts Analysis**

Emissions Sources	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
On-Site Emissions	<1	17	<1	<1
LSTs	270	1,746	4	2
Significant Emissions?	No	No	No	No

Source: LSA. 2022b. Table F.

Note: LSTs based on SRA – Central San Bernardino Valley, 5 acres, 80-foot distance, on-site traffic would be 5 percent of total mobile source trips.

CO = carbon monoxide

LST = Localized Significance Thresholds

NO<sub>x</sub> = nitrogen oxides

PM<sub>2.5</sub> = particulate matter less than 2.5 microns in size

PM<sub>10</sub> = particulate matter less than 10 microns in size

SRA = Source Receptor Area

**d) Less than Significant Impact.** Heavy-duty equipment in the Project area during construction would emit odors, primarily from the equipment exhaust. However, the construction-produced odors would cease after individual construction is completed. No other sources of objectionable odors have been identified for the proposed Project during construction.

SCAQMD Rule 402, regarding nuisances, states: “A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.” Additionally, Title 13, Section 2449(d)(D) of the CCR requires operators of off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and up that were not designed to be driven on road) to limit vehicle idling to 5 minutes or less.

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

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

Land uses generally associated with long-term objectionable odors include agricultural uses, wastewater treatment plants, food-processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities. The proposed Project is a residential development that does not include uses that would generate objectionable odors.



During Project operation, temporary storage of typical solid waste (refuse) associated with occupation of the site could generate potential odors. Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations.

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

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES - Would the project:</b>				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or 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 state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

**LSA Biological Resources Technical Memorandum for the Linden Bloomington Condos Project in Bloomington, California; California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California**

The following analysis is based in part on the *Biological Resources Technical Memorandum for the Linden Bloomington Condos Project in Bloomington, California* prepared by LSA on October 28, 2022, and is included in full as Appendix C.<sup>1</sup>

**a) Less than Significant with Mitigation Incorporated.** The Project site is currently vacant and surrounded by residential development to the north and the west, vacant land and residences to the south and east. The site is moderately disturbed and contains no native habitat or connections to adjacent natural lands due to it being disced for weed control, its location in an urban residential setting, and its daily use from unauthorized human encampments.

The Biological Resources Assessment prepared for the Project includes a literature review and field survey to determine the existence or potential occurrence of threatened, endangered, or candidate plant or animal species and critical habitats on or in the vicinity of the Project Site (Appendix C). The results of the literature search indicate the Project site is not within designated critical habitat of any species, but special-status species of concern such as the California glossy snake (*Arizona elegans occidentalis*), Burrowing owl (*Athene cunicularia*), and Los Angeles pocket mouse (*Perognathus longimembris brevinasus*) were identified as potentially present with a low to moderate probability to occur in the Project vicinity. **Table 8, CNDDDB/CNPS Special-Status Species Identified as Potentially Occurring or Known to Occur in the Project Vicinity**, provides a list of special-status plant and animal species known to occur or that potentially occur in the vicinity of the Project site, and also includes each species' probability of occurrence within the proposed construction footprint.

As shown in **Table 8, CNDDDB/CNPS Special-Status Species Identified as Potentially Occurring or Known to Occur in the Project Vicinity**, special-status species of concern such as the California glossy snake and Los Angeles pocket mouse have suitable habitat present on the site, but the habitat condition is poor due to frequent weed control activities and other human-caused disturbances. In addition, the site's location in an urbanized environment, isolated from better habitat, provides for the low potential for these species to occur. Although burrowing owl has a moderate potential to occur on the Project site, it was not observed on site.

The results of the field survey indicate the Project site is moderately disturbed and covered by nonnative grassland species. Ongoing soil disturbance and the resulting competitive exclusion by invasive nonnative plants limit the potential for native flora to occur on the Project site. Therefore, none of the plant species are expected to occur on the Project site. Although The California Natural Diversity Database search identified occurrences of one sensitive natural (i.e., plant) community, Southern Cottonwood Willow Riparian Forest, within 3 miles of the Project area. This plant species is not present within the Project area.

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<sup>1</sup> LSA Associates Inc. 2022a. Biological Resources Technical Memorandum for the Linden Bloomington Condos Project in Bloomington, California. October 28.

**Table 8: CNDDB/CNPS Special-Status Species Identified as Potentially Occurring or Known to Occur in the Project Vicinity\***

Species	Status	Habitat and Distribution	Species Occurrence Probability
<b>Plants</b>			
<i>Arenaria paludicola</i> <b>Marsh sandwort</b>	US: FE CA: CE/ 1B.1	Boggy areas in freshwater marshes and swamps below 170 meters (560 feet) elevation (formerly higher). Known to presently occur only in San Luis Obispo County (at Oso Flaco Lake and Morro Bay). Believed extirpated from Los Angeles, San Francisco, Santa Cruz, Riverside, and San Bernardino counties, and from the State of Washington. The last known record of this species in Riverside, San Bernardino, or Los Angeles counties is from 1900.	<b>Not Expected to Occur.</b> There are no known occurrences in the vicinity of the project site and suitable habitat is absent from the project site (boggy areas in freshwater marshes and swamps).
<i>Calochortus plummerae</i> <b>Plummer's mariposa-lily</b>	US: – CA: – CNPS: 4.2	Rocky sites of granitic or alluvial material in grassland, coastal scrub, chaparral, cismontane woodland, and lower montane coniferous forest, at 100 to 1,700 meters (300 to 5,600 feet) elevation. Known from Riverside, San Bernardino, Orange, Los Angeles, and Ventura counties, California.	<b>Not Expected to occur.</b> Site is highly disturbed and suitable habitat is absent (rocky sites of granitic or alluvial material in grassland, coastal scrub, chaparral, cismontane woodland, and lower montane coniferous forest). No known occurrences in the vicinity of the project site.
<i>Chloropyron maritimum</i> spp. <i>maritimum</i> <b>Salt marsh bird's-beak</b>	US: FE CA: CE/ 1B.2	Coastal dunes and salt marshes. In California, known from Los Angeles, Orange, Santa Barbara, San Bernardino, San Diego, San Luis Obispo, and Ventura counties. Historical collections referred to this taxon from alkaline meadow in vicinity of San Bernardino Valley and from interior San Diego County are intermediate to <i>C. maritimum</i> ssp. <i>canescens</i> . Also occurs in Mexico.	<b>Not Expected to Occur.</b> There are no known occurrences in the vicinity of the project site and suitable habitat is absent on the project site (coastal dunes and salt marshes).
<i>Chorizanthe parryi</i> var. <i>parryi</i> <b>Parry's spineflower</b>	US: – CA: 1B.1	Sandy or rocky soils in chaparral, coastal scrub, oak woodlands, and valley and foothill grassland at 40 to 1,705 meters (100 to 5,600 feet) elevation. Known only from Los Angeles, Riverside, and San Bernardino counties.	<b>Not Expected to Occur.</b> There are no known occurrences in the vicinity of the project site and suitable habitat is poor due to frequent weed control and other human-caused disturbances.
<i>Deinandra paniculata</i> <b>Paniculate tarplant</b>	US: – CA: 2B.2	Occurs in coastal scrub, valley and foothill grassland, and vernal pools at 25 to 940 meters (80 to 3,085 feet) in elevation, often found in sandy soil. Known in Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura counties.	<b>Not Expected to Occur.</b> Suitable habitat is poor due to frequent weed control and other human-caused disturbances.
<i>Eriastrum densifolium</i> ssp. <i>sanctorum</i> <b>Santa Ana River woollystar</b>	US: FE CA: SE/ 1B.1	Riversidean alluvial fan sage scrub and chaparral in sandy or gravelly soils of floodplains and terraced fluvial deposits of the Santa Ana River and larger tributaries (Lytle and Cajon creeks, lower portions of City and Mill creeks) at 90 to 625 meters (300 to 2,100 feet) in elevation in San Bernardino and	<b>Not Expected to Occur.</b> Suitable habitat is absent on the project site (Riversidean alluvial fan sage scrub and chaparral in sandy or gravelly soils of floodplains and terraced fluvial deposits of the Santa Ana River).

**Table 8: CNDDB/CNPS Special-Status Species Identified as Potentially Occurring or Known to Occur in the Project Vicinity\***

Species	Status	Habitat and Distribution	Species Occurrence Probability
		Riverside counties. Presumed extirpated from Orange County.	
<i>Horkelia cuneate</i> <i>var. puberula</i>  <b>Mesa horkelia</b>	US: – CA: 1B.1	Dry, sandy, coastal chaparral, cismontane woodland, and coastal scrub on sandy or gravelly soils. Occurs at 70 to 870 meters (229 to 2,854 feet) in elevation. Distributed along the central to southern coast of California, found in San Luis Obispo, Riverside, Santa Barbara, and Los Angeles counties.	<b>Not Expected to Occur.</b> Suitable habitat is absent on the project site (dry, sandy, coastal chaparral, and cismontane woodland, and coastal scrub on sandy or gravelly soils).
<i>Lepidium virginicum</i> var. <i>robinsonii</i>  <b>Robinson's pepper-grass</b>	US: – CA: 4.3	Chaparral and coastal scrub at 1 to 885 meters (5 to 2,905 feet) in elevation. Known in Los Angeles, Mono, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura counties.	<b>Not Expected to Occur.</b> There are no known occurrences in the vicinity of the project site and suitable habitat is absent on the project site (chaparral and coastal scrub).
<i>Malacothamnus parishii</i>  <b>Parish's bush mallow</b>	US: – CA: 1A	Known only from one occurrence in 1895, in chaparral and coastal sage scrub at 490 meters (1,600 feet) in elevation in the vicinity of San Bernardino. Presumed extinct.	<b>Not Expected to Occur.</b> There are no known occurrences in the vicinity of the project site and suitable habitat is absent on the project site (chaparral and coastal sage scrub).
<i>Monardella pringlei</i>  <b>Pringle's monardella</b>	US: – CA: 1A	Sandy hills in coastal sage scrub at 300 to 400 meters (980 to 1,300 feet) in elevation. Known only from two occurrences west of Colton. Last seen in 1941. Habitat lost to urbanization. Presumed extinct.	<b>Not Expected to Occur.</b> Suitable habitat is absent on the project site (sandy hills in coastal sage scrub).
<i>Senecio aphanactis</i>  <b>Chaparral ragwort</b>	US: – CA: 2B.2	Openings (especially alkaline flats) in cismontane woodland, coastal sage scrub, and chaparral at 15 to 800 meters (50 to 2,600 feet) in elevation. Known in California from Alameda, Contra Costa, Fresno, Los Angeles, Merced, Monterey, Orange, Riverside, Santa Barbara, Santa Clara, San Diego, San Luis Obispo, Solano, and Ventura counties. Also occurs in Baja California.	<b>Not Expected to Occur.</b> There are no known occurrences in the vicinity of the project site and suitable habitat is absent on the project site (cismontane woodland, coastal sage scrub, and chaparral).
<i>Sphenopholis obtusata</i>  <b>Prairie wedge grass</b>	US: – CA: 2B.2	Wet meadows, stream banks, and ponds at 300 to 2,000 meters (1,000 to 6,600 feet) elevation. Widely distributed. In Southern California, known only from San Bernardino, Riverside (Santa Ana River), and perhaps San Diego Counties.	<b>Not Expected to Occur.</b> There are no known occurrences in the vicinity of the project site and suitable habitat is absent on the project site (wet meadows, stream banks).
<i>Symphyotrichum defoliatum</i>  <b>San Bernardino aster</b>	US: – CA: 1B.2	Vernally wet sites (such as ditches, streams, and springs) in many plant communities below 2,040 meters (6,700 feet) in elevation. In California, known from Ventura, Kern, San Bernardino, Los Angeles, Orange, Riverside, and San Diego counties. May also occur in San Luis Obispo County. In the western Riverside County area, this species is scarce, and documented only from Temescal and San Timoteo Canyons	<b>Not Expected to Occur.</b> There are no known occurrences in the vicinity of the project site, and suitable habitat is absent on the project site (vernally wet sites).

**Table 8: CNDDDB/CNPS Special-Status Species Identified as Potentially Occurring or Known to Occur in the Project Vicinity\***

Species	Status	Habitat and Distribution	Species Occurrence Probability
		(F.M. Roberts et al. 2004. The Vascular Plants of Western Riverside County, California).	
<b>Invertebrates</b>			
<i>Bombus crotchii</i> <b>Crotch bumble bee</b>	US: – CA: SCE	Inhabits open scrub and grassland from coastal California to the crest of Sierra-Cascade and in desert edge areas, south into Mexico. Primarily nests underground. Suitable bumble bee habitat requires the continuous availability of flowers on which to forage throughout the duration of the colony (spring through fall), colony nest sites, and overwintering sites for the queens. Nectars on Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum in coastal California east to the Sierra-Cascade crest and south into Mexico.	<b>Not Expected to Occur.</b> Suitable habitat is poor due to frequent weed control and other human-caused disturbances. The project site does not offer any nectar plants for this species. CNDDDB records for this species show two records from 1938. The recorded locations are 0.5 and 3.5 miles northeast from the site.
<i>Rhaphiomidas terminatus abdominalis</i> <b>Delhi Sands flower-loving fly</b>	US: FECA: SA	Restricted to Delhi series sands in western Riverside and San Bernardino counties.	<b>Not Expected to Occur.</b> No Delhi series sands or dunes are on site.
<b>Fish</b>			
<i>Catostomus snyderi</i> <b>Santa Ana sucker</b>	US: FT CA: SSC	The Santa Ana sucker's historical range includes the Los Angeles, San Gabriel, and Santa Ana river drainage systems in Southern California. An introduced population also occurs in the Santa Clara River drainage system in Southern California. Found in shallow, cool, running water.	<b>Absent.</b> No perennial streams on site.

Source: LSA (2022a).

CNDDDB = California Natural Diversity Database

CNPS = California Native Plant Society

**California Native Plant Society (CNPS) Designations:**

1A = California Rare Plant Rank 1A: Presumed extinct in California.

1B = California Rare Plant Rank 1B: Rare, threatened, or endangered in California and elsewhere.

2B = California Rare Plant Rank 2B: Rare, threatened, or endangered in California, but more common elsewhere.

4 = California Rare Plant Rank 4: A watch list of plants of limited distribution.

0.1 Seriously endangered in California (greater than 80% of occurrences threatened/high degree and immediacy of threat).

0.2 Fairly endangered in California (20 to 80% occurrences threatened).

0.3 Not very endangered in California (less than 20% of occurrences threatened).

**Additional Abbreviation/Acronym Definitions:**

CNDDDB = California Natural Diversity Database SSC = Species of Special Concern

FE = Federally Endangered

FT = Federally Threatened

ST = State Threatened

SE = State Endangered

SA = Special Animal

SCE = State Candidate for Endangered

WL = Watch List

The Project site does offer marginal suitable habitat for burrowing owl (*Athene cunicularia*) due to the presence of suitable habitat in the undeveloped areas and prevalence of the

species in the region, which generally provide suitable burrows for burrowing owl occupation. The Biological Assessment has provided the following **Mitigation Measures (MM) BIO-1** and **BIO-2** to reduce potential impacts to candidate, sensitive, or special-status species and their habitats.

**MM BIO-1: Avoidance of Breeding and Nesting Bird Season.** Project activities shall take place outside the nesting season (February 1 through September 30) to the fullest practicable extent.

**Pre-Construction Nesting Bird Survey.** If project activities with potential to indirectly disturb suitable avian nesting habitat within 500 feet of the work area would take place during the nesting season (as determined by a qualified biologist), a qualified biologist with experience in conducting breeding bird surveys shall conduct a nesting bird survey no more than 3 days prior to the initiation of project activities to determine the presence/absence of migratory and resident bird species occurring in suitable nesting habitat. Project activities may begin no more than 3 days after the completion of the nesting bird survey in the absence of active bird nests. An additional nesting bird survey shall be conducted if project activities fail to start within 3 days of the completion of the pre-construction nesting bird survey.

**Nesting Bird Exclusionary Buffers.** Should nesting birds be found during the pre-construction nesting bird survey, an exclusionary buffer shall be established by the qualified biologist. This buffer shall be clearly marked in the field by construction personnel under the guidance of the biologist, and construction shall not be conducted in this zone until the biologist determines that the young have fledged or the nest is no longer active. Work may only take place during the breeding season if nesting bird surveys indicate the absence of any active nests within the work area. Without the written approval of the California Department of Fish and Wildlife (CDFW) and/or the United States Fish and Wildlife Service, no work shall take place if listed or fully protected bird species are found to be actively nesting within 500 feet of the areas subject to construction activities.

**Trash and Waste Removal.** During construction, trash and food waste shall be removed from worksites on a daily basis to avoid the attraction of predators that prey on nesting bird species.

**MM BIO-2: Focused Burrowing Owl Breeding Season Surveys.** In order to avoid impacts to burrowing owl, a burrowing owl breeding season survey shall be conducted in accordance with the *CDFW 2012 Staff Report on Burrowing Owl Mitigation*. Four site visits shall be conducted during the breeding season: one between February 15 and April 15 (if possible) and three, at least 3 weeks apart, between April 15 and July 15, with at least one of these after June 15. Surveys are conducted by walking transects spaced up to 20 meters (65 feet) apart throughout the survey area, which includes the project site plus adjacent habitat within 150 meters (500 feet) where access is permitted. Areas within the 500-foot buffer that are inaccessible shall be scanned using binoculars during the survey effort. Surveys are to be conducted between morning civil twilight and 10:00 a.m. or between 2 hours before sunset and evening civil

twilight. All burrowing owl sightings, occupied burrows, and potentially suitable burrows shall be mapped. If burrowing owl is found during any of the surveys, the project proponent shall need to inform the CDFW and additional avoidance and minimization measures would then be required.

**Burrowing Owl Take Avoidance.** A take avoidance survey for burrowing owls and their burrows should be conducted in accordance with accepted guidelines ("Staff Report on Burrowing Owl Mitigation," California Department of Fish and Game, March 7, 2012). This includes an initial take avoidance survey no more than 14 days prior to initiating ground disturbance activities and a final take avoidance survey within 24 hours of initiating ground disturbance activities. If no burrowing owls are detected during the take avoidance surveys, project activities can proceed. If burrowing owl is found during the pre-construction survey, the project proponent shall need to inform the CDFW and additional avoidance and minimization measures would then be required.

With implementation of **MM BIO-1 and BIO-2**, potential impacts to species identified as a candidate, sensitive, or special-status species and their habitats would be **less than significant with mitigation incorporated**.

**b) No Impact.** The site is moderately disturbed and contains no native habitat or connections to natural lands. No riparian or sensitive natural community is on the Project site. Therefore, **no impact** to riparian habitat or other sensitive natural community would occur and no mitigation is required.

**c) No Impact.** The Project site does not contain federally protected wetlands or any drainage features, ponded areas, wetlands, or riparian habitat subject to jurisdiction by the California Department of Fish and Wildlife (CDFW), United States Army Corps of Engineers, and/or Regional Water Quality Control Board (RWQCB). Therefore, the proposed Project would have **no impact** on federally protected wetlands and no mitigation is required.

**d) Less than Significant with Mitigation Incorporated.** The Project site is surrounded by urban development in all directions. The Project vicinity consists of an 8.5-acre undeveloped plot on the east side of the Project site along with similar undeveloped lands within 0.5 mile of the Project. These areas are similarly situated in an urban environment with heavily traveled roads that can hinder wildlife movement in the area. As such, the Project site is not within an established wildlife corridor and does not function as a wildlife movement corridor. Therefore, the proposed Project would not interfere substantially with any native resident or migratory fish or wildlife species movement.

Though limited, any trees or shrubs on site have the potential to harbor nesting birds. **MM BIO-3** is provided to reduce impacts to nesting birds.

**MM BIO-3** Pursuant to the Migratory Bird Treaty Act and California Fish and Game Code, prior to removal of any trees, shrubs, or any other potential nesting habitat, a qualified biologist shall first conduct a pre-construction survey for active bird nests outside the avian nesting season. The nesting season generally extends from early February through August but can vary slightly from year to year based upon seasonal weather conditions. The report shall be provided to the Community Development Department.



Implementation of **MM BIO-3** would ensure the avoidance of active nests during construction activities. Impacts to native resident or migratory fish or wildlife species, established native resident or migratory wildlife corridors, or a native wildlife nursery would remain **less than significant**.

**e) No Impact.** The County's Mountain Forest and Valley Tree Conservation ordinance establishes regulations to "promote conservation and wise use of forest resources in the Mountain Region and native tree resources in the Valley Region."<sup>1</sup> Although the County's Mountain Forest and Valley Tree Conservation ordinance applies to the Project area, regulated trees covered by this ordinance are absent from the Project Site.

Because the unincorporated community of Bloomington has not adopted a tree ordinance, implementation of the proposed Project would not conflict with any local policies or ordinances related to biological resources. **No impact** would occur and no mitigation is required.

**f) No Impact.** The Project site does not lie within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.<sup>2</sup> **No impact** would occur and no mitigation is required.

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<sup>1</sup> Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, J. Strittholt, M. Parisi, and A. Pettler. 2010. California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration. Website: [https://nrm.dfg.ca.gov/FileHandler.ashx? DocumentID=18366&inline](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18366&inline). (Accessed April 21, 2022).

<sup>2</sup> LSA. 2022a. Biological Resources Technical Memorandum for the Linden Bloomington Condos Project in Bloomington, California. Page 9. October 28.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES - Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				
c) Disturb any human remains, including those outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b> (Check if the project is located in the Cultural <input type="checkbox"/> or Paleontologic <input type="checkbox"/> Resources overlays or cite results of cultural resource review):				
<b>California Health and Safety Code (Section 7050.5); Cultural Resources Assessment for the Linden Bloomington Condos Project prepared by LSA November 2022.</b>				

The information and analysis in this section is based on the *Cultural Resources Assessment for the Linden Bloomington Condos Project* prepared by at LSA in November 2022 (Appendix D).

**a) and b) Less than Significant with Mitigation Incorporated.** A Project-specific Cultural Resources Assessment was conducted for the Project site and included an archaeological and historical records search, additional research, and an intensive pedestrian survey of the Project site (Appendix D).

The records search conducted on March 2, 2022, at the South Central Coastal Information Center indicated that 26 cultural resource studies were previously conducted within 1 mile of the proposed Project site, one of which included the entirety of the Project area. One cultural resource (a water conveyance feature) is documented within the Project site and an additional two prehistoric resources and 50 historic-period archaeological sites and built resources were recorded within 1 mile. The nearest resource (a 1955 residence) is located approximately 500 feet north of the Project site. The nearest prehistoric resource (an isolated artifact) is 1,015 meters (0.63 mile) south. The Bloomington Garage was evaluated as eligible for National Register of Historic Resources (National Register) listing prior to its relocation along with the LaGrue House to Orchard Street and Commercial Street in 1997. Bloomington Middle School (constructed in 1939) was also evaluated as eligible for National Register but was found not to be prehistoric.<sup>1</sup>

Additional research was completed by the USGS, which identified the presence of a north-to-south-trending Union Pacific Railroad line adjacent to but outside the eastern boundary of the

<sup>1</sup> LSA. 2022d. Cultural Resources Assessment for the Linden Bloomington Condos Project. November. Page 6.

parcel and an orchard on the northern parcel with windrows on the north and south sides.<sup>1</sup> Historic aerial images indicate that the railroad is extant by the mid-1950s. The orchard was gone by the late 1950s, but the windrows remain, gradually diminishing until they were removed in the 2010s. Both sites are therefore no longer present today.<sup>2</sup>

The pedestrian survey of the Project site identified a weir box feature along with additional undocumented features such as two rows of windrow tree stumps. The intaglio dates in the weir feature, in the northeastern portion of the site, make it an unusually early example of this type of water conveyance system (1890s–1910s), but it is otherwise a typical remnant of a type of resource (expansive non-pressurized agricultural irrigation systems) that was once dominant in the western ends of both San Bernardino and Riverside counties during the citrus era. Results of the survey indicate that the surface of entire Project site has been disturbed, with approximately 50 percent of the ground surface obscured by vegetation. Modern refuse was noted throughout the site but concentrated along the northern and southern edges and in the central portion of the Project site at homeless encampments.

Despite the low likelihood of additional cultural resources occurring on the Project site, there remains some potential for the proposed Project to unearth previously undocumented cultural resources during earthwork activities associated with construction. Therefore, **MM CUL-1 and CUL-2** are required in the event that unanticipated cultural resources are unearthed on the Project site.

**MM CUL-1:** Prior to issuance of grading permits, the County of San Bernardino (County) shall verify that the following note is included on all grading plans:

In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, Native American tribe(s) that have expressed interest in consulting on this Project pursuant to Public Resources Code Statute 21080.3.1 shall be contacted regarding any pre-contact and/or historic-era finds so as to provide tribal input with regards to significance and treatment.

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

This measure shall be implemented to the satisfaction of the County of San Bernardino's Community Development Director or designee.

**MM CUL-2:** If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured,

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<sup>1</sup> LSA. 2022d. Cultural Resources Assessment for the Linden Bloomington Condos Project. November. Page 8.

<sup>2</sup> LSA. 2022d. Cultural Resources Assessment for the Linden Bloomington Condos Project. November. Page 8.

the Project archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to Native American tribe(s) that have expressed interest in consulting on this Project pursuant to Public Resources Code Statute 21080.3.1 for review and comment, in particular the YSMN for review and comment, as detailed within TCR-1. The Project archaeologist shall monitor the remainder of the Project and implement the Plan accordingly. This measure shall be implemented to the satisfaction of the County of San Bernardino's Community Development Director or designee.

Upon implementation of **MMs CUL-1** and **CUL-2**, the proposed Project would be conditioned to cease excavation or construction activities if cultural resources are identified during Project execution pursuant to applicable regulatory policies. Potential impacts to historical and archaeological resources would be reduced to a **less than significant** level.

**c) Less than Significant with Mitigation Incorporated.** There is no evidence to suggest the Project site has been used for human burials. The California Health and Safety Code (Section 7050.5)<sup>1</sup> states that if human remains are discovered on site, no further disturbance shall take place until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be prehistoric, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Because State regulations address unanticipated discoveries of human remains, mitigation measures intended to reiterate such an effort are not required. Adherence to State regulations required for all development projects (**MM CUL-3**) will ensure potential impacts to human remains would be **less than significant**..

**MM CUL-3:** If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

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<sup>1</sup> State of California. 1987. Health and Safety Code. Division 7, Dead Bodies. Part 1. Chapter 2 General Provisions. Section 7050.5. Website: [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=HSC&sectionNum=7050.5](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&sectionNum=7050.5) (accessed April 21, 2022).

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

**SUBSTANTIATION:**

**California Energy Commission; LSA Air Quality, Greenhouse Gas Emissions, and Energy Analysis for the Linden Bloomington Condos Project, November 2, 2022, (Appendix B); United States Department of Transportation (DOT). 2021. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles**

**a) Less than Significant Impact.** The proposed Project would increase the demand for electricity, natural gas, and gasoline compared to the existing condition of the site. The Project's consumption of energy during construction and operation is calculated via CalEEMod (Version 2020.4.0), as detailed in California Energy Commission in the *Air Quality, Greenhouse Gas Emissions, and Energy Analysis for the Linden Bloomington Condos Project*, prepared by LSA dated November 2, 2022 (Appendix B).

**Construction.** The tentative construction schedule is expected to start in May 2023 and finish by April 2027. However, to be conservative and consistent with CalEEMod parameters, the starting date was specified in CalEEMod and the rest of the schedule was left at CalEEMod defaults, which resulted in a compressed schedule ending in October 2024. The anticipated construction schedule therefore assumes that the proposed Project would be built over approximately 17 months.

Construction of the proposed Project would require site preparation, grading, building construction, paving, and architectural coating during construction. All these construction activities would require energy for the manufacture and transportation of building materials and for preparation of the site for grading activities and building construction. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities.

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

BACMs include, but are not limited to, requirements that the Project proponent utilize only low-sulfur fuel having a sulfur content of 15 ppm by weight or less; ensure off-road vehicles (i.e., self-propelled diesel-fueled vehicles 25 horsepower and above that were not designed to be driven on road) limit vehicle idling to 5 minutes or less; register and label vehicles in accordance with the CARB Diesel Off-Road Online Reporting System; restrict the inclusion of older vehicles into fleets; and retire, replace, or repower older engines or install Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). Additionally, the construction contractor would recycle/reuse at least 65 percent of the construction material and use “Green Building Materials,” such as those materials that are rapidly renewable or resource efficient and recycled and manufactured in an environmentally friendly way, for at least 10 percent of the Project in accordance with CalRecycle regulations. Through compliance with SCAQMD Rule 431.2, Title 13-Section 2449 of the CCR, and the CalRecycle Green Building Program as a matter of regulatory policy, construction of the proposed Project would demand only the energy required, and impacts from wasteful, inefficient, or unnecessary energy consumption would be reduced.

In addition, construction activities would not result in an inefficient use of energy, as gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the proposed Project. Construction-related energy usage on the Project Site would be temporary and be relatively small in comparison to the State’s available energy sources (as discussed in Section VI, Threshold B). Therefore, construction energy impacts would be less than significant, and no mitigation would be required.

**Operation.** Operation of the proposed Project has the potential to increase energy demands. **Table 9, Estimated Annual Energy Use of the Proposed Project**, represents the estimated potential increase in electricity, natural gas, gasoline, and diesel demand associated with the proposed Project. The electricity and natural gas rates are from the CalEEMod analysis, while the gasoline and diesel rates are based on the traffic analysis in conjunction with United States Department of Transportation (DOT) fuel efficiency data.

**Table 9: Estimated Annual Energy Use of the Proposed Project**

Land Use	Electricity Use (kWh per year)	Natural Gas Use (kBTU per year)	Gasoline (gallons per year)	Diesel (gallons per year)
Condominiums	895,277	3,797,990	153,782	89,269

Source: LSA. 2022b. Table J.  
kBTU = thousand British thermal units  
kWh = kilowatt hours

As shown in **Table 9, Estimated Annual Energy Use of the Proposed Project**, the estimated potential increased electricity demand associated with the proposed Project is 895,277 kilowatt hours (kWh) per year. In 2019, California consumed approximately 277,750 gigawatt hours (GWh) or 277,750,000,000 kWh.<sup>1</sup> Of this total, San Bernardino County consumed 15,969 GWh or 15,969,000,000 kWh.<sup>2</sup> Therefore, electricity demand

<sup>1</sup> California Energy Commission. n.d.-a. *Total System Electric Generation*. Website: <https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2020-total-system-electric-generation/2019> (accessed November, 2022).  
<sup>2</sup> California Energy Commission. n.d.-b. *Electricity Consumption by County*. San Bernardino County. Website: <https://ecdms.energy.ca.gov/elecbycounty.aspx> (accessed November, 2022).

associated with the proposed Project would be approximately 0.0056 percent of San Bernardino County's total electricity demand.<sup>1</sup>

Also shown in **Table 9, Estimated Annual Energy Use of the Proposed Project**, the estimated potential increased natural gas demand associated with the proposed Project is 3,797,990 thousand British thermal units per year, or 37,980 therms. In 2019, California consumed approximately 12,571,000,000 therms, while San Bernardino County consumed 527,236,428 therms. Therefore, natural gas demand associated with the proposed Project would be 0.0072 percent of San Bernardino County's total natural gas demand.<sup>2</sup>

Furthermore, the proposed Project would result in energy usage associated with gasoline and diesel to fuel project-related trips. Per the DOT report, the average fuel economy for light-duty vehicles such as automobiles, pickups, vans, and sport utility vehicles in the United States has steadily increased from about 14.9 mpg in 1980 to 22.2 mpg in 2019.<sup>3</sup> The average fuel economy for heavy-duty trucks in the United States has also steadily increased, from 5.7 mpg in 2013 to a projected 8.0 mpg in 2021.<sup>4</sup>

The Project-specific *Air quality, Greenhouse Gas and Energy Analysis* determined that the proposed Project would result in the annual consumption of 153,782 gallons of gasoline and 89,269 gallons of diesel fuel. In 2019, vehicles in California consumed approximately 15.6 billion gallons of gasoline and 3.8 billion gallons of diesel fuel. Therefore, gasoline and diesel demand generated by vehicle trips associated with the proposed Project would be 0.0009 percent and 0.00023 percent of the total demand.<sup>5,6</sup> These values represent a minimal fraction of gasoline and diesel fuel consumption in California and in San Bernardino County.

In addition, automobiles associated with trips to and from the Project site would be subject to fuel economy and efficiency standards, which are applicable throughout the State. As such, the fuel efficiency of vehicles associated with Project operations would increase throughout the life of the proposed Project. Therefore, implementation of the proposed Project would not result in a substantial increase in transportation-related energy uses.

The proposed Project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment uses, and transportation. Impacts would be **less than significant**, and no mitigation measures are required.

**b) Less than Significant Impact.** The State of California provides a minimum standard for building design and construction standards through Title 24 of the CCR, known as the CBC. The CBC is updated every 3 years, and the current 2019 CBC went into effect in January

<sup>1</sup> 895,277 kWh / 15,969,000,000 kWh x 100% = 0.0056%

<sup>2</sup> LSA. 2022b. Air Quality, Greenhouse Gas Emissions, and Energy Analysis for the Linden Bloomington Condos Project. November 2.

<sup>3</sup> United States Department of Transportation (DOT). 2021. Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles. Bureau of Transportation Statistics. Website: [www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles](http://www.bts.gov/content/average-fuel-efficiency-us-light-duty-vehicles) (accessed April 21, 2022).

<sup>4</sup> California Energy Commission (CEC). 2015. Medium and Heavy-Duty Truck Prices and Fuel Economy 2013–2026. Website: [efiling.energy.ca.gov/getdocument.aspx?tn=206180](http://efiling.energy.ca.gov/getdocument.aspx?tn=206180) (accessed November, 2022).

<sup>5</sup> LSA. 2022b.

<sup>6</sup> 153,782/15,600,000,000 x 100% = 0.0009 percent; 89,269/3,800,000,000 x 100% = 0.00023 percent

2020. Compliance with Title 24 is mandatory at the time new building permits are issued by local governments. The California Building Standards Commission adopted Part 11 of the Title 24 Building Energy Efficiency Standards (also referred to as the California Green Building Standards Code, or CALGreen) in 2010 as part of the State's efforts to reduce greenhouse gas (GHG) emissions and energy consumption from residential and nonresidential buildings. CALGreen covers the following five categories: (1) planning and design, (2) energy efficiency, (3) water efficiency and conservation, (4) material conservation and resource efficiency, and (5) indoor environmental quality. The proposed Project is required to comply with the current 2019 CALGreen requirements and Title 24 efficiency standards established by the California Energy Commission regarding energy conservation and green building standards.

As indicated previously, construction-related energy usage on the Project site would be temporary in nature and would comply with all the applicable local, State, and federal energy standards. In addition, energy usage associated with operation of the proposed Project would be relatively small in comparison to the State's available energy sources. Energy impacts would therefore be negligible at the regional level. The proposed Project would not conflict with California's energy conservation plans. Impacts would be **less than significant**, and no mitigation measures are required.



	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<b>VII.</b>	<b>GEOLOGY AND SOILS - Would the project:</b>				
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i.	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii.	Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii.	Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv.	Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d)	Be located on expansive soil, as defined in Table 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 type="checkbox"/>	<input checked="" type="checkbox"/>
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

***Preliminary Geotechnical Engineering Investigation and Water Infiltration Test Report, Linden Bloomington Condos. Tentative Tract 20481. Bloomington Area, San Bernardino County, California, prepared by Converse Consultants; National Pollutant Discharge Elimination System (NPDES) Program; United States Department of Agriculture, Natural Resources Conservation Service; San Bernardino County. Countywide Plan Draft EIR. Paleontological Resources Technical Report; San Bernardino County, Land Use, Geological Hazard Maps***

The following analysis is based on the Preliminary Geotechnical Engineering Investigation and Water Infiltration Test Report, Linden Bloomington Condos. Tentative Tract 20481. Bloomington Area, San Bernardino County, California, prepared by Converse Consultants. (Appendix E).<sup>1</sup> The Project site is also not within a Geological Hazards Overlay.<sup>2</sup>

**a.i) Less than Significant Impact.** The Project site is not within an Earthquake Fault Zone as defined by the State of California in the Alquist-Priolo Earthquake Fault Zone Act of 1972.<sup>3</sup> In addition, there is no evidence of any faults or faulting activity on the Project site. The risk of ground rupture due to fault displacement beneath the site is low. Impacts would be **less than significant**; mitigation is not required.

**a.ii) Less than Significant Impact with Mitigation Incorporated.** The Project site is within a seismically active region, with a number of faults traversing or in proximity to the region. The nearest active faults to the Project site are the San Jacinto fault, 5.06 miles (northeast) from the site, the Cucamonga fault, 8.41 miles (north) from the site, and the San Andreas fault, 10.36 miles (north) from the site.<sup>4</sup>

Due to the presence of active and inferred faults in proximity to the Project site, the Project site is expected to experience occasionally moderate to severe ground shaking, as well as some background shaking from other seismically active areas of the Southern California region. The extent of ground-shaking associated with an earthquake is dependent upon the size of the earthquake and the geologic material of the underlying area. Construction and development of the Project would be required to comply with applicable provisions of the CBC. State law requires the design and construction of new structures comply with current CBC requirements, which address general geologic, seismic (including ground shaking), and soil constraints for new buildings. Accordingly, design and construction of the proposed Project would be required to adhere to 2019 CBC requirements to reduce any potential impacts from seismic related activity.

Chapter 84.16 (Multi Family Residential Development Standards) of the Development Code incorporates design and construction standards of the 2019 edition of the CBC. Prior to the

<sup>1</sup> Converse Consultants. Preliminary Geotechnical Engineering Investigation and Water Infiltration Test Report, Linden Bloomington Condos. Tentative Tract 20481. Bloomington Area, San Bernardino County, California. December 20, 2021.

<sup>2</sup> San Bernardino County. 1984. Geological Hazard Overlay Map. Website: <http://www.sbcounty.gov/Uploads/lus/GeoHazMaps/FH29C.pdf> (accessed April 21, 2022).

<sup>3</sup> Converse Consultants. Preliminary Geotechnical Engineering Investigation and Water Infiltration Test Report, Linden Bloomington Condos. Tentative Tract 20481. Bloomington Area, San Bernardino County, California. Page 8.

<sup>4</sup> *Ibid.* Table No. 2, Summary of Regional Faults.

issuance of a grading permit, the Project Applicant would be required to submit detailed grading plans and a site-specific geotechnical investigation of the Project prepared in conformance the current CBC and applicable San Bernardino County standards (**MM GEO-1**).

**MM GEO-1:** Prior to issuance of grading and/or building permits, the Project Applicant shall provide evidence to the County of San Bernardino (County) for review and approval that proposed structures, features, and facilities have been designed and shall be constructed in conformance with applicable provisions of the 2019 edition of the California Building Code (CBC) or the most current edition of the CBC in effect at the time the Applicant's development application is deemed complete by the County.

Additionally, the Project Applicant shall submit a site-specific geotechnical investigation of the Project and provide evidence to the County that the recommendations cited in the geotechnical investigation are incorporated into Project plans and/or implemented as deemed appropriate by the County. Geotechnical recommendations may include, but are not limited to, removal of existing vegetation, structural foundations, floor slabs, utilities, and any other surface and subsurface improvements that would not remain in place for use with the new development. Remedial earthwork, over-excavation, and ground improvement shall occur to depths specified in the geotechnical investigation to provide a sufficient layer of engineered fill or densified soil beneath the structural footings/foundations, as well as proper surface drainage devices and erosion control. Retaining wall parameters shall be in accordance with the geotechnical investigation to protect against lateral spreading and landslides. Construction of concrete structures in contact with subgrade soils determined to be corrosive shall include measures to protect concrete, steel, and other metals. Verification testing must be performed upon completion of ground improvements to confirm that the compressible soils have been sufficiently densified. The structural engineer must determine the ultimate thickness and reinforcement of the building floor slabs based on the imposed slab loading.

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

Upon implementation of **MM GEO-1**, post-construction differential movements of shallow foundations designed and constructed in accordance with applicable provisions of the 2019 edition of the CBC and measures identified in the Project-specific geotechnical investigation are expected to occur within the CBC tolerable limits of post-construction static and differential settlements of 1.0 and 0.5 inches, respectively. Impacts from seismic ground-shaking would be reduced to **less than significant with mitigation incorporated**.

**a.iii) No Impact.** Liquefaction occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. A relatively shallow groundwater table (within approximately 50 feet below ground surface) or completely saturated soil conditions in conjunction with a source of ground shaking, such as an earthquake, may facilitate soil mass distortion such as liquefaction. The Project site is not in a State of California- or San Bernardino County-designated liquefaction zone. In addition, the lack of shallow groundwater

(within 50.5 feet below ground surface), dense soil conditions and high blow counts help to maintain a negligible liquefaction potential at the Project site.<sup>1</sup> **No impact** from liquefaction would occur and no mitigation is required.

**a.iv) No Impact.** Factors that contribute to slope failure include slope height and steepness, shear strength and orientation of weak layers in the underlying geologic units, and pore water pressures. The Project site is not in a State of California- or San Bernardino County-designated landslide susceptibility area. In addition, the site is relatively flat and is not adjacent to any steep slopes.<sup>2</sup> Any retaining walls proposed on site would be designed and constructed pursuant to the recommendations of the Project-specific Geotechnical Investigation (refer to **MM GEO-1**) to protect against lateral spreading and landslides. Additionally, any retaining walls greater than 6 feet tall shall be designed for seismic lateral earth pressures pursuant to applicable provisions of the CBC, as specified in **MM GEO-1**. In the absence of significant ground slopes, the potential for landslides is considered low. **No impacts** related to seismically induced landslides would occur, and no mitigation is required.

**b) Less than Significant Impact.** Development on the Project site would convert a majority of existing permeable surfaces to paved surfaces, which would generally reduce the potential for soil erosion from the site. However, earthwork activities as part of the construction process would expose soils to the potential for soil erosion or loss of topsoil. Short-term erosion effects during the construction phase would be prevented through required grading permits and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and incorporation of best management practices (BMPs) intended to reduce soil erosion.<sup>3</sup> Refer to Section X (Threshold A) for additional information.

Compliance with stormwater regulations include minimizing stormwater contact with potential pollutants by providing covers and secondary containment for construction materials, designating areas away from storm drain systems for storing equipment and materials, and implementing good housekeeping practices at the construction site. Prior to the issuance of a grading permit, the Project Applicant would be required to prepare and submit site-specific, detailed grading plans to the County in accordance with Chapter 84.16 (Multi Family Residential Development Standards) of the San Bernardino County Development Code to minimize soil erosion, runoff, and water waste.

Operation of the Project would be subject to a Water Quality Management Plan (WQMP), which incorporates measures to capture excess stormwater runoff and prevent soil erosion to downstream water courses from the conversion of permeable surfaces to impermeable surfaces pursuant to the Municipal Separate Storm Sewer System Permit, General Construction Activity National Pollutant Discharge Elimination System (NPDES) Permit No.CAS000004 (MS4 Permit) issued by the State Water Resources Control Board.

The SWPPP and WQMP would identify BMP measures to treat and/or limit the entry of contaminants into the storm drain system. The WQMP is required to be incorporated by reference or attached to a project's SWPPP as the Post-Construction Management Plan.

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<sup>1</sup> Converse Consultants. Preliminary Geotechnical Engineering Investigation and Water Infiltration Test Report, Linden Bloomington Condos. Tentative Tract 20481. Bloomington Area, San Bernardino County, California. Page 9.

<sup>2</sup> *Ibid.* Page 10.

<sup>3</sup> Pursuant to the National Pollutant Discharge Elimination System (NPDES) program and Chapter 83.04 Conditional Grading Compliance, of the San Bernardino County Development Code.

Adherence to the BMPs contained in the SWPPP and WQMP is a standard regulatory requirement for all projects that create or replace more than 5,000 square feet of impervious surface area and would ensure that impacts related to soil erosion would remain **less than significant**. No mitigation is required.

**c) Less than Significant Impact with Mitigation Incorporated.** The Project site is relatively flat and abutted by urban development. There is no evidence of landslides and/or slope instabilities on the Project site. As detailed in Section XII (Threshold A)(iii) and (iv) above, the Project site is not in an area considered susceptible to liquefaction or landslides. Due to the site's flat topography, absence of steep slopes in the surrounding area, deep groundwater depth (within 50.5 feet below ground surface), dense soil conditions, high blow counts and the planned site development in accordance with **MM GEO-1**, potential impacts from landslides, slope instabilities, lateral spreading, and/or liquefaction at the Project site would be **less than significant with mitigation incorporated**.

**MM GEO-1** would ensure over-excavation and establishment of a sufficient layer of engineered fill or densified soil is prepared beneath any proposed structural footings/foundations. Upon implementation of **MM GEO-1**, post-construction differential movements of shallow foundations designed and constructed in accordance with applicable provisions of the 2019 edition of the CBC and measures identified in a project-specific Geotechnical Investigation would be within CBC tolerable limits of post-construction static and differential settlements of 1.0 and 0.5 inches, respectively. Therefore, impacts from settlement, subsidence, and/or collapse would be reduced to **less than significant with mitigation incorporated**.

**d) Less than Significant.** Expansive soils generally have a substantial amount of clay particles, which can give up water (shrink) or absorb water (swell). The change in the volume exerts stress on buildings and other loads placed on these soils. The amount and types of clay present in the soil influence the extent or range of the shrink/swell. The occurrence of clayey soils is often associated with geologic units having marginal stability. Expansive soils can be widely dispersed, and they can occur along hillside areas as well as low-lying alluvial basins.

Soils on site consist of Tujunga loamy sand, 0 to 5 percent slopes.<sup>1</sup> The site-specific geotechnical report indicates a very low expansion index (EI=0) for the upper 6 feet of soils on site.<sup>2</sup> Soils on the Project site are therefore considered non-expansive. The Project would not create substantial direct or indirect risks to life or property due to expansive soils. Impacts would be **less than significant** and no mitigation is required.

**e) No Impact.** The Project would connect to the existing municipal wastewater collection system and would not use septic systems. There would be **no impact** relative to septic system or alternative wastewater disposal systems. Mitigation is not required.

**f) Less than Significant Impact with Mitigation Incorporated.** According to the Paleontological Resources Assessment for the San Bernardino County, the Valley Region is

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<sup>1</sup> United States Department of Agriculture, Natural Resources Conservation Service. n.d. *Web Soil Survey*. San Bernardino County Southwestern Part, California (CA677). Website: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> (accessed April 21, 2022).

<sup>2</sup> Converse Consultants. Preliminary Geotechnical Engineering Investigation and Water Infiltration Test Report, Linden Bloomington Condos. Tentative Tract 20481. Bloomington Area, San Bernardino County, California. Page 6.

characterized by deposits of Younger Alluvium (Q), which is likely underlain by Older Alluvium (Qoa) and Pleistocene-Pliocene Nonmarine Sediments (QPc), such as the San Timoteo Formation. In addition, a large area of Miocene Marine Sediments (M), including the Vaqueros and Puente Formations, is present in the southwestern corner, whereas the northern margins of the region abut the granitic rocks of the San Bernardino Mountains. The findings indicate that the Younger Alluvium (Q) across the valley floor is too young to preserve fossil resources in the upper layers, but the deeper layers and underlying sediments have high paleontological sensitivity, as do the Miocene Marine Sediments (M).<sup>1</sup>

In accordance with State law, the Project would be required to comply with Penal Code § 622 *Destruction of Sites*, which establishes as a misdemeanor the willful injury, disfiguration, defacement, or destruction of any object or thing of archaeological or historical interest or value, whether situated on private or public lands. California Administrative Code, Title 14, Section 4307, states that no person shall remove, injure, deface or destroy any object of paleontological, archaeological, or historical interest or value. Furthermore, CCR Section 1427 recognizes that California's archaeological resources need to be preserved and that every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.

Disturbance of subsurface sediments from past agricultural and off-highway vehicle activities on the Project site does not preclude the potential for paleontological resources to be encountered if excavation activities reach Pleistocene-age sediments below the ground surface. The proposed Project must comply with all applicable regulations protecting paleontological resources and would be monitored during mass grading activities (**MM GEO-2**) to ensure any paleontological resources identified during excavation are managed in accordance with applicable regulations. Any paleontological resources encountered during excavation activities will be managed as prescribed in **MM GEO-3**.

**MM GEO-2:** Prior to issuance of a grading permit, the Project Applicant must retain a qualified paleontologist (defined as an individual with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least one year) to prepare a Paleontological Resource Impact Mitigation Plan (PRIMP) and monitor mass grading activities on the site. Implementation of the PRIMP shall include (but not be limited to) the following:

- Review of Project-specific geotechnical report data, with particular regard to location and depth of earthmoving and the rock unit(s) encountered;
- Development of a formal agreement between the Project Applicant and the San Bernardino County Museum, Natural History Museum of Los Angeles County, Western Science Center, San Diego Natural History Museum, Riverside Municipal Museum, or other accredited museum repository for

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<sup>1</sup> San Bernardino County. 2018. Countywide Plan Draft EIR. Paleontological Resources Technical Report for the San Bernardino County General Plan Update. San Bernardino County, California. June. Page 25. [https://countywideplan.com/wp-content/uploads/sites/68/2021/01/FPaleontologicalResourcesTechnicalReport\\_report.pdf](https://countywideplan.com/wp-content/uploads/sites/68/2021/01/FPaleontologicalResourcesTechnicalReport_report.pdf). (accessed April 21, 2022)

the final disposition, permanent storage, and maintenance of any fossil collections and associated data;

- The construction schedule, term/schedule of on-site paleontological monitor(s) and the extent of areas and activities to be monitored;
- Authority of paleontological monitor(s) to temporarily redirect construction activity in the vicinity of any paleontological discovery;
- Procedures for the evaluation and option to recover large fossil specimens and for the evaluation, recovery, and processing of small fossil specimens;
- Fossil specimen preparation, identification to the lowest taxonomic level possible, curation, and cataloging; and
- A report of findings.

Monitoring shall occur from the outset of grading activities since the depth of Pleistocene sediments onsite is unknown. However, the qualified paleontologist shall have the discretion of scaling back monitoring to a schedule approved by the San Bernardino County Planning Division if, at the discretion of the paleontologist, grading is unlikely to reach depths of Pleistocene sediments or if the sediments encountered on the site have little to no potential to yield paleontological resources.

If paleontological resources are encountered during the course of ground disturbance, work within 60 feet of the find shall be halted, and an exclusionary buffer shall be established. The qualified paleontologist shall assess the find for scientific significance. Construction personnel shall not collect or move any suspected paleontological materials or further disturb any soils within the exclusionary buffer without the consent of the paleontologist and the San Bernardino County Planning Division, but construction activity may continue unimpeded on other portions of the Project site. If the paleontologist determines the find is not a paleontological resource, no further evaluation shall be required within the exclusionary buffer, and construction activity shall be allowed to resume therein. However, if the paleontologist determines the find is a paleontological resource, construction activity shall not resume within the exclusionary buffer, and **MM GEO-3** shall apply. This measure shall be implemented to the satisfaction of the San Bernardino County Planning Division.

**MM GEO-3:** If the qualified paleontologist determines paleontological resources are encountered on the Project site, the paleontologist shall address the resource(s) pursuant to the Paleontological Resource Impact Mitigation Plan (PRIMP) to be implemented during the balance of ground-disturbing activities. The paleontologist shall be equipped to record and salvage fossil resources that may be unearthed during construction and shall temporarily halt or divert construction equipment to allow recording and removal of the unearthed resources. Significant fossils shall be offered for curation at an accredited museum repository in accordance with the PRIMP. A report of findings,

including, when appropriate, an itemized inventory of recovered specimens and a discussion of their significance, shall be prepared at the conclusion of paleontological monitoring. The report and inventory, when submitted to and approved by the San Bernardino County Planning Division, would signify completion of the program. This measure shall be implemented to the satisfaction of the San Bernardino County Planning Division.

With implementation of **Mitigation Measures GEO-2** and **GEO-3**, impacts to paleontological resources would be reduced to **less than significant with mitigation incorporated**.



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>VIII. GREENHOUSE GAS EMISSIONS – Would the project:</b>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input 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:**

***CARB 2017 Scoping Plan Update; Air Quality, Greenhouse Gas Emissions, and Energy Analysis for the Linden Bloomington Condos Project prepared by LSA***

The following analysis is based in part on *Air Quality, Greenhouse Gas Emissions, and Energy Analysis for the Linden Bloomington Condos Project* prepared by LSA on November 2, 2022, and is included in full as Appendix B.

**GLOBAL CLIMATE CHANGE BACKGROUND**

Global climate change (GCC) is defined as the change in average meteorological conditions on the Earth with respect to temperature, precipitation, and storms. Scientific evidence suggests that GCC is the result of increased concentrations of GHGs in the Earth's atmosphere, including carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated gases. GCC refers to the change in average meteorological conditions on the Earth with respect to temperature, wind patterns, precipitation and storms. Global temperatures are regulated by naturally occurring atmospheric gases such as water vapor, CO<sub>2</sub>, N<sub>2</sub>O, CH<sub>4</sub>, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (SF<sub>6</sub>). These particular gases are important due to their residence time (duration they stay) in the atmosphere, which ranges from 10 years to more than 100 years. These gases allow solar radiation into the Earth's atmosphere but prevent radioactive heat from escaping, thus warming the Earth's atmosphere. GCC can occur naturally as it has in the past with the previous ice ages.

California has significantly slowed the rate of growth of GHG emissions due to the implementation of energy efficiency programs as well as adoption of strict emission controls but is still a substantial contributor to the United States' emissions inventory total. CARB compiles GHG inventories for the State of California. Based upon the 2019 GHG inventory data (i.e., the latest year for which data are available) for the 2000–2017 GHG emissions period, California emitted an average 424.1 million metric tons of carbon dioxide equivalent (MMT CO<sub>2</sub>e) per year.

In November 2017, CARB released the *2017 Scoping Plan Update*, which identifies the State's post-2020 reduction strategy. The 2017 Scoping Plan Update reflects the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by

Senate Bill (SB) 32. Key programs that the proposed Second Update builds upon include the Cap-and-Trade Regulation; the Low Carbon Fuel Standards; much cleaner cars, trucks and freight movement; using cleaner, renewable energy; and strategies to reduce CH<sub>4</sub> emissions from agricultural and other wastes. The *2017 Scoping Plan Update* establishes a new emissions limit of 260 MMT CO<sub>2</sub>e for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030. California's climate strategy will require contributions from all sectors of the economy, including the land base, and will include enhanced focus on zero- and near-zero-emission vehicle technologies; continued investment in renewables, including solar roofs, wind, and other distributed generation; greater use of low carbon fuels; integrated land conservation and development strategies; coordinated efforts to reduce emissions of short-lived climate pollutants (CH<sub>4</sub>, black carbon, and fluorinated gases); and an increased focus on integrated land use planning to support livable, transit-connected communities and conservation of agricultural and other lands. Requirements for direct GHG reductions at refineries will further support air quality co-benefits in neighborhoods, including in disadvantaged communities historically located adjacent to these large stationary sources, as well as efforts with California's local air pollution control and air quality management districts (air districts) to tighten emission limits on a broad spectrum of industrial sources.

In addition to the statewide strategies, the 2017 Scoping Plan Update also identifies local governments as essential partners in achieving the State's long-term GHG reduction goals and identifies local actions to reduce GHG emissions. As part of the recommended actions, CARB recommends that local governments achieve a community-wide goal to achieve emissions of no more than 6 metric tons of CO<sub>2</sub>e (MT CO<sub>2</sub>e) or less per capita by 2030 and 2 MT CO<sub>2</sub>e or less per capita by 2050. For CEQA projects, CARB states that lead agencies may develop evidenced-based bright-line numeric thresholds—consistent with the Scoping Plan and the State's long-term GHG goals—and projects with emissions over that amount may be required to incorporate on-site design features and mitigation measures that avoid or minimize project emissions to the degree feasible or a performance-based metric using a Climate Action Plan or other plan to reduce GHG emissions is appropriate.

According to research conducted by the Lawrence Berkeley National Laboratory (LBNL) and supported by CARB, California, under its existing and proposed GHG reduction policies, is on track to meet the 2020 reduction targets under Assembly Bill (AB) 32 and could achieve the 2030 goals under SB 32. The research utilized a new, validated model known as the California LBNL GHG Analysis of Policies Spreadsheet (CALGAPS), which simulates GHG and criteria pollutant emissions in California from 2010 to 2050 in accordance to existing and future GHG-reducing policies. The CALGAPS model showed that GHG emissions through 2020 could range from 317 to 415 MT CO<sub>2</sub>e per year (MT CO<sub>2</sub>e/yr), "indicating that existing state policies will likely allow California to meet its target [of 2020 levels under Assembly Bill 32]." CALGAPS also showed that by 2030, emissions could range from 211 to 428 MT CO<sub>2</sub>e/yr, indicating that "even if all modeled policies are not implemented, reductions could be sufficient to reduce emissions 40 percent below the 1990 level [of SB 32]." CALGAPS analyzed emissions through 2050 even though it did not generally account for policies that might be put in place after 2030. Although the research indicated that the emissions would not meet the State's 80 percent reduction goal by 2050, various combinations of policies could allow California's cumulative emissions to remain very low through 2050.

The County of San Bernardino updated the *San Bernardino County GHG Reduction Plan* in March 2021. The regional GHG reduction plan will serve as the basis for cities in San Bernardino County to develop more detailed community level climate action plans. The

community of Bloomington is included as part of unincorporated San Bernardino County participating in this study. The proposed project would generate more than the 100 points required to demonstrate compliance. The project would include GHG reduction measures such as enhanced insulation, improved efficiency water heaters, improved appliances, high efficiency lighting, solar panels, limiting landscaping, widened parking spaces, insulation with design, and use of water-efficient showerheads, toilets, and faucets. Projects that are consistent with the San Bernardino Regional GHG Reduction Plan are considered to have a less than significant impact related to the emission of GHGs. Hence, the proposed project's operational GHG emissions would be **less than significant**.<sup>1</sup>

**a) Less than Significant Impact.** Construction and operation of the proposed Project has the potential to result in greenhouse gas emissions. Construction activities produce combustion emissions from various sources, such as site grading, utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, asphalt paving, and motor vehicles transporting the construction crew. Exhaust emissions from these construction activities would vary daily as construction activity levels change.

The construction emissions calculated in CalEEMod are shown in **Table 10, Construction GHG Emissions**. The SCAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, lead agencies are encouraged to quantify and disclose GHG emissions that would occur during construction. Results indicate that Project construction would generate approximately 767 MT of CO<sub>2</sub>e. Based on SCAQMD guidance, construction emissions were amortized over 30 years (a typical project lifetime) to be added to the total Project operational emissions. Thus, annual construction emissions would be approximately 26 MT of CO<sub>2</sub>e per year.

**Table 10: Construction Greenhouse Gas Emissions**

Construction Phase	Total Emissions per Phase (MT)			Total Emissions per Phase (MT CO <sub>2</sub> e)
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	
Site Preparation	17	<1	<1	18
Grading	84	<1	<1	85
Building Construction	630	<1	<1	637
Paving	21	<1	<1	21
Architectural Coating	5	<1	<1	5
<b>Total Emissions for the Entire Construction Process</b>				<b>767 MT CO<sub>2</sub>e</b>
<b>Total Construction Emissions Amortized over 30 Years</b>				<b>26 MT CO<sub>2</sub>e</b>

Source: LSA 2022b. Table G.

CH<sub>4</sub> = methane

CO<sub>2</sub> = carbon dioxide

MT = metric tons

MT CO<sub>2</sub>e = metric tons of carbon dioxide equivalent

N<sub>2</sub>O = nitrous oxide

Long-term operation of the proposed Project would generate GHG emissions from area and mobile sources and indirect emissions from stationary sources associated with energy consumption. Mobile-source emissions of GHGs would include project-generated vehicle trips. Area-source emissions would be associated with activities such as landscaping and maintenance of proposed land uses, natural gas for heating, and other minor sources.

<sup>1</sup> LSA. 2022b. Air Quality, Greenhouse Gas Emissions, and Energy Analysis for the Linden Bloomington Condos Project. November.

Increases in stationary-source emissions would also occur at off-site utility providers as a result of demand for electricity, natural gas, and water by the proposed uses.

**Table 11, Estimated Operational Greenhouse Gas Emissions**, shows the GHG emissions associated with the level of development envisioned by the proposed Project at opening. The planned solar panels on every residence and the recreation building were included. Area sources include architectural coatings, consumer products, and landscaping. Energy sources include natural gas consumption for space heating.

**Table 11: Estimated Operational Greenhouse Gas Emissions**

Source	Pollutant Emissions (metric tons per year)			
	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
Construction emissions amortized over 30 years				26
<b>Operational Emissions</b>				
Area Sources	3	<1	0	3
Energy Sources	361	<1	<1	363
Mobile Sources	1,297	<1	<1	1,317
Waste Sources	17	<1	0	42
Water Usage	45	<1	<1	58
<b>Total Project Emissions</b>				<b>1,809</b>

Source: LSA. 2022b. Table H.

CH<sub>4</sub> = methane

N<sub>2</sub>O = nitrous oxide

CO<sub>2</sub>e = carbon dioxide equivalent

CO<sub>2</sub> = carbon dioxide

As shown in **Table 11, Estimated Operational Greenhouse Gas Emissions**, the Project will result in an estimated emissions rate of 1,809 MT of CO<sub>2</sub>e per year, which is below the 3,000 MT CO<sub>2</sub>e threshold and would be consistent with the County of San Bernardino Regional Greenhouse Gas Reduction Plan. Therefore, the proposed Project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Impacts would be **less than significant**, and no mitigation is required.

**b) Less than Significant Impact.** As mentioned above in Section VIII (Threshold A), the proposed Project would be consistent with the County of San Bernardino Regional Greenhouse Gas Reduction Plan. The County updated the San Bernardino County GHG Reduction Plan in March 2021. The regional GHG reduction plan will serve as the basis for cities in San Bernardino County to develop more detailed community level climate action plans. The community of Bloomington is included as part of Unincorporated San Bernardino County participating in this study. the proposed Project would generate more than the 100 points required to demonstrate compliance. The Project would include GHG reduction measures such as enhanced insulation, improved efficiency water heaters, improved appliances, high efficiency lighting, solar panels, limiting landscaping, widened parking spaces, insulation with design, and use of water-efficient showerheads, toilets, and faucets. Projects that are consistent with the San Bernardino Regional GHG Reduction Plan are considered to have a less than significant impact related to the emission of GHGs. Hence, the proposed project's operational GHG emissions would be less than significant.

Based on the Screening Table (Table I in the *Air Quality, Greenhouse Gas Emissions, and Energy Analysis for the Linden Bloomington Condos Project* [Appendix B]), the proposed Project would generate more than the 100 points required to demonstrate compliance. The Project would include GHG reduction measures such as enhanced insulation, improved

efficiency water heaters, improved appliances, high efficiency lighting, solar panels, limiting landscaping, widened parking spaces, insulation with design, and use of water-efficient showerheads, toilets, and faucets.

Projects that are consistent with the San Bernardino Regional GHG Reduction Plan are considered to have a less than significant impact related to the emission of GHGs. Hence, the proposed Project's operational GHG emissions would be **less than significant**. Mitigation is not required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**SUBSTANTIATION:**

**State Water Resources Control Board; California Department of Toxic Substances Control (Cortese List); San Bernardino County. Countywide Plan Policy Plan. Policy Map HZ-9 Airport Safety & Planning; CAL FIRE.**

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**a) Less than Significant Impact.**

**Construction.** Construction of the Project has the potential to create a hazard to the public or environment through the routine transportation, use, and disposal of construction-related hazardous materials such as fuels, oils, solvents, and other materials. Potential hazardous materials such as fuel, paint products, lubricants, solvents, and cleaning products may be used and/or stored on site during construction of the proposed Project. These materials are typical of materials delivered to construction sites. Due to the relatively small scale of proposed development (14.25 acres), only limited quantities of these materials are expected to be used during construction, so they are not considered hazardous to the public at large.

The transport, use, and disposal of hazardous materials during construction would be regulated by the San Bernardino County Fire Protection District and the California Occupational Safety and Health Administration (Cal/OSHA). Additionally, the DOT Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials by truck and rail on State highways and rail lines, as described in Title 49 of the Code of Federal Regulations and implemented by Title 13 of the CCR.

**Operation.** Residential operations and maintenance on the Project site would use relatively small amounts of hazardous materials, such as chemicals associated with heating and cooling systems and pool operations, fuel for landscape equipment, solvents, cleaning products, pesticides/fertilizers, and other similar chemicals. These materials are substantially similar to household chemicals and solvents already in wide use throughout the Project vicinity.

Similar to Project construction, the transport, use, and disposal of hazardous materials during Project operation would be regulated by the San Bernardino County Fire Protection District and the Cal/OSHA. Additionally, transport of hazardous materials by truck and rail on State highways and rail lines would be regulated by the DOT Office of Hazardous Materials Safety.

This regulatory oversight would ensure transport, use, and storage of hazardous materials during construction and operation of the proposed Project would not create a significant hazard to the public or the environment. Impacts would be **less than significant** and no mitigation is required.

**b) Less than Significant Impact.** The project site and a one-half-mile radius encompassing the project site were evaluated via the State Water Resources Control Board (SWRCB) GeoTracker database,<sup>1</sup> the Department of Toxic Substances Control's EnviroStor database,

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<sup>1</sup> State Water Resources Control Board. n.d. *GeoTracker Database*. <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=I+averne%2C+ca> (accessed April 22, 2022).



<sup>1</sup> and the Hazardous Waste and Substances sites (Cortese) List<sup>2</sup> for the purposes of identifying recognized environmental conditions or historical recognized environmental conditions. The Project site is not listed in the Cortese list, nor have identified environmental conditions. The nearest leaking underground storage tank cleanup site is located within half a mile from the project site on the intersection of Santa Ana Avenue and Cedar Avenue.

Direct skin contact with hazardous chemicals, incidental ingestion of hazardous materials, or inhalation of airborne dust generated by dried hazardous materials might all result in accidental circumstances during the Project's development. Accidental spills, leaks, poisonous releases, fire, or explosion might occur while transporting hazardous chemicals. The normal transport, use, or disposal of hazardous materials during construction would be minimized or avoided if federal, state, and municipal rules, regulations, and Cal/OSHA training programs were followed. For compliance with current hazardous materials rules defined in the CCR, appropriate paperwork for every hazardous waste that is transported, stored, or used in conjunction with specified Project-site operations would be given.

To minimize or lessen the consequences of hazardous materials incidents, construction operations on the project site would be required to conform with federal and State rules. Employees who deal with hazardous materials, for example, must wear suitable protection gear, and safety equipment is readily available in all places where hazardous products are employed. A Phase I Environmental Site Assessment (ESA) is required prepared for individual properties that identifies either potential or existing environmental contamination liabilities. Thus, Mitigation Measure **MM HAZ-1** would be implemented.

Compliance with federal, State, and local standards controlling the transportation, use, and disposal of hazardous waste would decrease the negative effects of reasonably anticipated upset and accident situations during construction to have **less than significant impacts with mitigation**.

**MM HAZ-1:** Prior to the grading of the site, the Project applicant shall retain a Phase I Environmental Assessment conduct a field survey of the single-family residential unit and detached shed. If the specialist determines that there are hazardous materials on site, the specialist shall prepare a mitigation plan to safely and properly remove the structures from the property and to dispose of the hazardous materials pursuant to applicable federal, State, and local regulations. The specialist shall submit the report to the County of San Bernardino and shall proceed with construction of the structures based on report approval. If the specialist determines that the on-site structures are not constructed with lead-based paint or asbestos-containing materials, the results shall be submitted to the County and construction activities can proceed as normal.

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<sup>1</sup> California Department of Toxic Substances Control. n.d. *EnviroStor Database*. Website: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=la+verne%2C+ca> (accessed April 22, 2022).

<sup>2</sup> California Department of Toxic Substances Control. 2020. Hazardous Waste and Substances Site List (Cortese). Website: [https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site\\_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM,COLUR&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+\(CORTESE\)](https://www.envirostor.dtsc.ca.gov/public/search?cmd=search&reporttype=CORTESE&site_type=CSITES,OPEN,FUDS,CLOSE&status=ACT,BKLG,COM,COLUR&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+(CORTESE)) (accessed April 22, 2022).

Implementation of **MM HAZ-1** would ensure that health impacts associated with hazardous materials in the existing site to construction workers and sensitive receptors would be **less than significant with mitigation implemented**. The proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

**c) Less than Significant Impact.** There are no schools within a 0.25-mile radius of the Project site. The nearest school to the Project site is Walter Zimmerman Elementary School at 11050 Linden Avenue, 0.3 mile south of the Project site. Furthermore, any transport of hazardous materials associated with construction of the proposed Project would be in accordance with the DOT, which regulates the transport of hazardous materials and waste and requires carriers to register with the California Department of Toxic Substances. Only Cal/OSHA licensed Hazardous Materials Substances Removal contractors, and/or California State Registered Asbestos Abatement Contractors registered by the Division of Occupational Health and Safety in accordance with the California Administrative Code, Title 8, and article 2.5 and the SCAQMD Asbestos Hazard Emergency Response Act pursuant to Code of Federal Regulations Chapter 40, Part 763, subpart E would transport hazardous materials off site, as detailed in Section 3.9(a).

Because no schools are located or proposed within 0.25 mile of the Project site, and any transport of hazardous materials associated with construction and operation of the proposed Project would be in accordance with applicable regulatory policy, impacts related to an accidental release of hazardous materials or emissions of hazardous substances within 0.25 mile of an existing or proposed school would be **less than significant**. No mitigation is required.

**d) No Impact.** Pursuant to Government Code Section 65962.5, two sites (Home Depot USA HD5087 9377 Alabama Street in Redlands and San Bernardino International Airport (former Norton Air Force Base) in the city of San Bernardino) near the Project site are listed environmental database for hazardous conditions. A review of the federal, State, and local environmental database for hazardous conditions determined the Project site is not listed as a site included as a hazardous material site pursuant to Government Code Section 65962.5. Therefore, **no impact** related to hazardous materials sites pursuant to Government Code Section 65962.5 would occur. No mitigation is required.

**e) No Impact.** San Bernardino International Airport is 14 miles northeast of the Project site. The Project site is not within an Airport Safety Review Area of any airport or private airstrip.<sup>1</sup> **No impact** related to airport hazards for people residing or working on the Project site would occur. Mitigation is not required.

**f) Less than Significant Impact.**

**Construction.** Construction activities that may temporarily restrict vehicular traffic would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. Typical requirements include prior notification of any lane or road closures with sufficient signage before and during any closures, flag crews with radio communication when necessary to coordinate traffic flow,

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<sup>1</sup> San Bernardino County. 2020. *Countywide Plan Policy Plan*. Policy Map HZ-9 Airport Safety & Planning. July 6.

etc. The developer would be required to comply with these requirements, which would maintain emergency access and allow for evacuation if needed during construction activities. Compliance with these requirements would ensure that short-term impacts related to this issue are **less than significant**. Mitigation is not required.

**Operation.** In accordance with the California Fire Code, the Project Applicant is required to design, construct, and maintain structures, roadways, and facilities to maintain appropriate emergency/evacuation access to and from the Project site as codified in Chapter 83.02 General Development and Use Standards, Chapter 83.09 Infrastructure Improvement Standards and Chapter 84.16 Multi Family Residential Development Standards of the Development Code.

These improvements would be subject to compliance with the County Development Code sections specified above and would be reviewed by the San Bernardino Fire Protection District and San Bernardino County Sheriff's Department through the County's general development review process. Proper site design and compliance with standard and emergency access requirements would allow for evacuation if necessary. This would ensure that long-term operational impacts related to this issue are **less than significant**. Mitigation is not required.

**g) Less than Significant Impact.** The Project is not within a Very High Fire Hazard Severity Zone (VHFHSZ) in the Local Responsibility Areas.<sup>1</sup> The nearest VHFHSZ is approximately 3 miles southeast of the site between Santa Ana River and South La Cadena Drive. The Project is surrounded by developed land and would be required to comply with 2019 CBC requirements for ignition-resistant construction and with the Safety Element of the Countywide Plan. In consideration of the Project site's location in a developed area and compliance with wildland fire safety policies, it is not expected that the Project would expose people or structures to significant loss or injury from wildland fires. Impacts are **less than significant** and mitigation is not required.

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<sup>1</sup> CAL FIRE. n.d. Fire and Resources Assessment Program. Fire Hazard Severity Zone Viewer. Website: <https://egis.fire.ca.gov/FHSZ/> (accessed February 15, 2022).

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>X. HYDROLOGY AND WATER QUALITY - Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i. Result in substantial erosion or siltation on or off site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUBSTANTIATION:**

***Preliminary Water Quality Management Plan Report prepared by Encompass Associates Inc.; San Bernardino County Department of Public Works; Santa Ana Regional Water Quality Control Board Order Number R8-2010-0033, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS618033; Encompass Associates, Inc. Preliminary Water Quality Management Plan for Tract 20481. APN(s): 1011-351-02. Appendix B: Supporting Documentation; Water Systems Consulting, Inc. 2015 San Bernardino Valley Regional. Urban Water Management Plan; Federal Emergency Management Agency, FEMA Flood Map Service Center; San Bernardino County, Countywide Plan Draft EIR, Hydrology and Water Quality.***

The following analysis is based in part on *Preliminary Water Quality Management Plan Report* prepared by Encompass Associates Inc., December 24, 2021, which is included in full as Appendix F.

**a) Less than Significant Impact with Mitigation Incorporated.**

**Construction.** The County is a co-permittee under Santa Ana RWQCB Order number R8-2010-0036, NPDES Permit No. CAS618036, also known as the MS4 permit. The San Bernardino County Water Quality Management Plan was developed to implement compliance with the MS4 permit. The Project site clearing and grading phases would disturb vegetation and surface soils, potentially resulting in erosion and sedimentation. If left exposed and with no vegetative cover, the Project site's bare soil could be subject to additional wind and water erosion. Because the proposed Project involves more than 1 acre of ground disturbance, it is subject to NPDES requirements. Coverage under an NPDES permit includes the submittal of a Notice of Intent application to the SWRCB, the receipt of a Waste Discharge Identification Number from the SWRCB, and the preparation of a SWPPP for construction discharges.

A SWPPP is a written document that describes the construction operator's activities to comply with the requirements in the NPDES permit. The SWPPP is intended to facilitate a process whereby the operator evaluates potential pollutant sources at the site and selects and implements BMPs designed to prevent or control the discharge of pollutants in stormwater runoff. During the construction phases, the Project would incorporate a series of BMPs to reduce erosion and sedimentation. These measures may include the use of gravel bags, silt fences, haybales, check dams, hydroseed, and soil binders. The construction contractor(s) would be required to operate and maintain these controls throughout the duration of construction activities. In addition, the construction contractor(s) would be required to maintain an inspection log and have the log on site to be reviewed by the County and representatives of the SWRCB.

An NPDES permit would generally specify an acceptable level of a pollutant or pollutant parameter in a discharge (for example, a certain level of bacteria). The permittee may choose which technologies to use to achieve that level. Some permits, however, do contain certain generic BMPs. **Table 12, General Best Management Practices**, lists BMPs for runoff control, sediment control, erosion control, and housekeeping that may be used during the construction of the proposed Project.

**Table 12: General Best Management Practices**

Runoff Control	Sediment Control	Erosion Control	Good Housekeeping
<ul style="list-style-type: none"> <li>Minimize clearing</li> <li>Preserve natural vegetation</li> <li>Stabilize drainage ways</li> </ul>	<ul style="list-style-type: none"> <li>Install perimeter controls</li> <li>Install sediment trapping devices</li> <li>Inlet protection</li> </ul>	<ul style="list-style-type: none"> <li>Stabilize exposed soils</li> <li>Protect steep slopes</li> <li>Complete construction in phases</li> </ul>	<ul style="list-style-type: none"> <li>Create waste collection area</li> <li>Put lids on containers</li> <li>Clean up spills immediately</li> </ul>

Source: United States Environmental Protection Agency. n.d. *National Menu of Stormwater Best Management Practices*. Website: <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater#constr> (accessed February 21, 2022). More detailed Best Management Practices are available at this web site.

**Operation.** Under existing conditions, the Project site consists of 100 percent pervious surface area. Stormwater drains south into municipal storm water drain on Santa Ana Avenue. From there, runoff drains to Santa Ana River Reach 4, which then drains to Santa Ana River Reach 3 before entering the Prado Flood Control Basin. From the Flood Control Basin, flows enter Santa Ana River Reach 2, then Santa Ana River Reach 1 before finally entering the Pacific Ocean. To address potential water contaminants, the Project is required to comply with applicable federal, State, and local water quality regulations. All development projects that would disturb more than 1 acre of land in San Bernardino County are required to prepare a WQMP to reduce water pollution impacts from construction and operation of the developments. According to the Project-specific WQMP, the United States Environmental Protection Agency-approved Section 303(d) listed impairments for the Project's receiving waters (Santa Ana River Reach 4, Santa Ana River Reach 3 and Prado Flood Control Basin) include indicator bacteria, heavy metals such as copper and lead, and the pH. These are the Project's priority pollutants of concern.<sup>1</sup>

Development of the Project site is expected to increase the amount of impervious surface area up to 71 percent due to the proposed condominiums, pavement, sidewalks, and driveways. However, the Project is expected to generally maintain the existing drainage pattern, and all runoff would be infiltrated via an underground perforated pipe infiltration system prior to discharge into the municipal storm drain system located on Santa Ana Avenue, at volumes that do not exceed the existing, pre-developed condition. Discharge in excess of the water quality volume will surface drain out to the existing properties to the south and be treated by a CDS clarifier.<sup>2</sup>

The Project is exempt from hydrologic conditions of concern because all downstream conveyance drain to an adequate sump (Prado Flood Control Basin), and the runoff flow rate, volume, and velocity for the post-development condition of the Project would not exceed the pre-development (i.e., naturally occurring condition)<sup>3</sup> as described below.

The Project would include a single Drainage Management Area (DMA-1) with an underground perforated pipe infiltration system to manage stormwater runoff. The on-site

<sup>1</sup> Encompass Associates, Inc. 2022. *Preliminary Water Quality Management Plan for Tract 20481*. APN(s): 1011-351-02. April 21. Page 3-7.

<sup>2</sup> *Ibid.* Page 1-1.

<sup>3</sup> San Bernardino County Department of Public Works. 2013. *San Bernardino County Water Quality Management Plan*. Appendix F, Figure F-1. Website: <http://cms.sbcounty.gov/Portals/50/Land/AppendixF-HCOCEXEMPTIONCriteriaandMap.pdf?ver=2013-02-28-193056-000> (accessed April 21, 2022).

runoff would be captured and directed through this infiltration system (BMP) and undergo necessary pre-treatment prior to discharge into the municipal storm drain system.

According to the Project-specific WQMP (Appendix F), the proposed infiltration chamber BMP must be sized with a design capture volume (DCV) of at least 30,921 cubic feet of runoff in order to adequately manage runoff from the building (all DMAs), parking lot and drive aisles, and sidewalks of DMA-1 pursuant to the NPDES MS4 Permit.<sup>1</sup> To treat identified pollutants of concern,<sup>2</sup> the proposed infiltration chamber BMP would be designed and constructed to capture approximately 30,921 cubic feet of runoff. With adequate DCV, the infiltration chamber BMP would treat “first-flush” runoff<sup>3</sup> from the Project site and ensure post-development storm water runoff volume or time of concentration would not exceed pre-development conditions by more than 5 percent of the 2-year peak flow pursuant to the NPDES MS4 Permit.

**MMs HYD-1 through HYD-3** are prescribed to ensure proper engineering design and construction in conformance with the requirements of the County. The intent of the NPDES Permit for San Bernardino County and the unincorporated communities of San Bernardino County within the Santa Ana Region (MS4 permit) and Project-specific recommendations outlined in an SWPPP and WQMP is to reduce impacts related to water quality standards or waste discharge requirements to a level that would be **less than significant with mitigation incorporated**.

**MM HYD-1:** Prior to the issuance of a grading permit, the Project Applicant shall file and obtain a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) in order to be in compliance with the State National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit for discharge of surface runoff associated with construction activities. Evidence that this has been obtained (i.e., a copy of the Waste Discharger’s Identification Number) shall be submitted to the County of San Bernardino (County) for coverage under the NPDES General Construction Permit. This measure shall be implemented to the satisfaction of the County Public Works Department.

**MM HYD-2:** Prior to the issuance of a grading permit, the Project Applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the County of San Bernardino (County). The SWPPP shall include a surface water control plan and erosion control plan citing best management practices (BMPs) to control on-site and off-site erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and nonstructural BMPs to control sediment and non-visible discharges from

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<sup>1</sup> Pursuant to the Santa Ana Regional Water Quality Control Board Order Number R8-2010-0033, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS618033, as amended by Order No. R8-2013-0024, also known as the Municipal Separate Storm Sewer System (MS4) permit, the hydrologic performance standard for the proposed bioretention basin is a flow duration curve of the post-development DMA not to exceed that of the pre-development, naturally occurring, DMA by more than 5 percent of the 2-year peak flow.

<sup>2</sup> The project-specific priority pollutants of concern are indicator bacteria (pathogens), heavy metals such as copper and lead, and the pH, pursuant to Section 3.3(d) of the Clean Water Act and the United States Environmental Protection Agency.

<sup>3</sup> “First-flush” runoff is the initial surface runoff of stormwater along impervious surfaces, such as parking lots, and is typically more concentrated with pollutants compared to the remainder of a storm event.



the site. The SWPPP shall include inspection forms for routine monitoring of the site during the grading and construction phases to ensure National Pollutant Discharge Elimination System (NPDES) compliance and that additional BMPs and erosion control measures would be documented in the SWPPP and utilized if necessary. The SWPPP shall be kept on site for the entire duration of Project construction and shall be available to the local Regional Water Quality Control Board (RWQCB) for inspection at any time. BMPs to be implemented may include the following.

- Sediment discharges from the site may be controlled by the following: sandbags, silt fences, straw wattles and temporary basins (if deemed necessary), and other discharge control devices. The construction and condition of the BMPs shall be periodically inspected during construction, and repairs shall be made when necessary as required by the SWPPP.
- All loose piles of soil, silt, clay, sand, debris, and other earthen material shall be protected in a reasonable manner to eliminate any discharge from the site. Stockpiles shall be surrounded by silt fences and covered with plastic tarps.
- The construction contractor shall be responsible for performing and documenting the application of BMPs identified in the SWPPP. Weekly inspections shall be performed on sandbag barriers and other sediment control measures called for in the SWPPP. Monthly reports and inspection logs shall be maintained by the contractor and reviewed by the City and representatives of the RWQCB. In the event that it is not feasible to implement specific BMPs, the County can make a determination that other BMPs would provide equivalent or superior treatment either on or off site.

This measure shall be implemented to the satisfaction of the County Public Works Department.

**MM HYD-3:** Prior to the issuance of a grading permit, the Project Applicant shall submit a Final Water Quality Management Plan (Final WQMP) to the County of San Bernardino (County) for review and approval. The Project shall include Project design features identified in the Final WQMP. The Final WQMP shall demonstrate that any proposed on-site development plan includes best management practices (BMPs) for source control, pollution prevention, site design, low-impact development (LID) implementation, and structural treatment control. BMPs to be implemented may include the following:

- Property Owner/Occupant will be required to review and implement Storm Water Pollution Brochures, Hazardous Waste Guidelines, and the "After the Storm" handouts.
- Property Owner/Occupant shall clean and dispose of any hazardous spills and educate and train employees on use of pesticides and in

pesticide application techniques to prevent pollution. Pesticide application must be under the supervision of a California qualified pesticide applicator.

- Property Owner/Occupant shall clean and maintain all proposed LID BMPs and ensure that underground infiltration BMP is in proper working order by inspecting and cleaning out the system of silt/sediment as needed after every qualifying event.
- Property Owner/Occupant shall implement trash management and litter control procedures in the common areas aimed at reducing pollution of drainage water.
- Stenciling shall be provided at all catch basin inlets that states "No Dumping—Drains to Ocean."
- Drainage is routed around the trash enclosure area. Additionally, the trash enclosure area shall be walled to prevent off-site transport of trash. Enclosure area shall also have a roof and attached lids to prevent rainfall from entering the containers.
- A landscape plan is to be submitted to the County for approval. The landscape plan shall have an emphasis on efficient water use and irrigation methods and on water conservation.

BMPs shall be designed and implemented to address Section 303(d) listed pollutants and retain the Project site's minimum design capture volume and, if applicable, hydromodification volume to ensure post-development storm water runoff volume or time of concentration does not exceed pre-development stormwater runoff by more than 5 percent of the two-year peak flow in accordance with the *Technical Guidance Document for Water Quality Management Plans* prepared for the County of San Bernardino Areawide Stormwater Program, National Pollutant Discharge Elimination System Permit Number CAS618036, Order Number R8-2010-0036. The proposed LID BMPs specified in the Final WQMP shall be incorporated into the grading and development plans submitted to the County for review and approval. Periodic maintenance of any required BMPs and landscaped areas during Project occupancy and operation shall be in accordance with the schedule outlined in the Final WQMP. This measure shall be implemented to the satisfaction of the County Public Works Department.

The Project site is in a developed and urbanized area of San Bernardino County. The Project-specific WQMP indicates groundwater levels are at least 247 feet below the ground surface at the Project site.<sup>1</sup> Maximum depths during site development are expected during construction of the underground perforated pipe infiltration system but it would not reach depths that would impair or alter the direction or rate of flow of groundwater or introduce total

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<sup>1</sup> Encompass Associates, Inc. 2022. *Preliminary Water Quality Management Plan for Tract 20481*. APN(s): 1011-351-02. Appendix B: Supporting Documentation. Page 1 of 1.

dissolved solids or other contaminants into the groundwater table. Additionally, no groundwater extraction would take place as part of the Project.

Project implementation of the NPDES permit ensures that the State's mandatory standards for the maintenance of clean water and the federal minimums are met. The Santa Ana RWQCB regulates waste discharges to minimize and control their effects on the quality of the region's groundwater and surface waters. The Project-specific SWPPP and Final WQMP would be reviewed and approved as routine actions during the processing of the Project by the County; therefore, the required measures and features detailed in the SWPPP and WQMP to safeguard surface and groundwater quality would be incorporated into the proposed Project. Water and groundwater quality and waste discharge impacts would be reduced to **less than significant with mitigation incorporated** through implementation of **Mitigation Measures HYD-1 through HYD-3**.

**b) Less than Significant Impact with Mitigation Incorporated.** The proposed Project site is within an unincorporated part of San Bernardino County but water service to the site would come from the WVWD. The WVWD operates a domestic water distribution system that consists of 21 groundwater wells and 25 separate storage reservoirs across 8 pressure zones for a total storage of over 72 million gallons.<sup>1</sup> It extracts groundwater from five regional groundwater basins: Bunker Hill and Lytle Creek (which are both part of the San Bernardino Basin (SBB), Rialto-Colton, Riverside North, and Chino basins.<sup>2</sup>

The Western Judgment, entered simultaneously with the Orange County Judgment, settled rights within the upper Santa Ana River watershed to ensure that those resources would be sufficient to meet the flow obligations in the lower Santa Ana River watershed.<sup>3</sup> The Bunker Hill and Lytle Creek sub basins are combined under the Western Judgment. The Bunker Hill Subbasin ("Bunker Hill") has a surface area of approximately 89,600 acres and a groundwater storage capacity of 5,976,000 acre-feet.<sup>4</sup> The Lytle Creek Basin was adjudicated under 1924 Judgment No. 17,030 from the Superior Court of San Bernardino County and is managed by the Lytle Creek Water Conservation Association, which is made up of the successors to the stipulated parties of the judgment. Lytle Creek subbasin is adjoined on the west by the Rialto-Colton subbasin along the Lytle Creek fault, and on the east and southeast by the Bunker Hill subbasin along the Loma Linda fault and Barrier G. The northwestern border of the subbasin is delineated by the San Gabriel Mountains, and runoff from the mountains flows south/southeast through Lytle and Cajon creeks into the basin.<sup>5</sup>

The Rialto Basin is adjudicated pursuant to the 1961 Rialto Basin Degree. The surface area of the Rialto-Colton Basin is approximately 30,100 acres. The principal recharge areas within the Rialto-Colton groundwater basin are Lytle Creek, Reche Canyon in the southeastern part of the subbasin, and the Santa Ana River in the south-central part of the subbasin. A lesser

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<sup>1</sup> West Valley Water District. 2020b. *2020 Integrated Regional Urban Water Management Plan. Upper Santa Ana River Watershed. Part 2: Local Agency UWMPs*. Page 10-3. Website: <https://www.sbvwmwd.com/home/showpublisheddocument/9232/637614632546570000> (accessed April 21, 2022).

<sup>2</sup> *Ibid.* Page 10-15.

<sup>3</sup> *Water Systems Consulting, Inc.* 2016. *2015 San Bernardino Valley Regional. Urban Water Management Plan*. June. Page 2-15. Website: [https://www.wvwd.org/wp-content/uploads/2018/03/SBVWMD\\_RUWMP\\_Rev\\_20160615.pdf](https://www.wvwd.org/wp-content/uploads/2018/03/SBVWMD_RUWMP_Rev_20160615.pdf) (accessed April 21, 2022).

<sup>4</sup> *Ibid.* Page 9-11.

<sup>5</sup> West Valley Water District. 2020a. *2020 Integrated Regional Urban Water Management Plan. Upper Santa Ana River Watershed. Part 1: Regional Context*. Page 3-21. Website: <https://www.sbvwmwd.com/home/showpublisheddocument/9206/637614256184870000> (accessed April 21, 2022).

amount of recharge is provided by percolation of precipitation to the valley floor, underflow, and irrigation and septic returns. Underflow occurs from fractured basement rock and through the San Jacinto Fault in younger river deposits at the south end of the subbasin in the northern reaches of the San Jacinto fault system and artificial recharge. WVWD has a total water right allocation in the Rialto Basin of 6,104 acre-feet per year (AFY), including 510 AFY that are fixed rights and 5,594 AFY that are adjustable and subject to a percent reduction each year based on groundwater levels in the index wells. Over the previous 10 years, the percentage of reduction has ranged from 7 percent in 2010 to 29 percent in 2020. For 2025, WVWD's available water supply from the Rialto Basin is expected to be 4,426 AFY (510 AFY fixed plus 5,594 AFY reduced by 30 percent). By 2045, the average water supply is assumed to increase to 4,873 AFY.<sup>1</sup>

The Riverside North Basin is the main source of water for Bloomington. Groundwater extractions in the Riverside North Groundwater Basin (the portion of the Riverside Basin Area in San Bernardino County) are also governed by the Western Judgment. Extractions for use in San Bernardino County are unlimited, provided that water levels at three index wells in the Rialto-Colton and Riverside North Basins stay above 822.04 feet. The 2015 Integrated Regional Water Management Plan provided an estimate of 30,100 AFY as the sustainable supply from Riverside North for use in San Bernardino County, based on extractions from 1996 to 2005, which continues to apply.<sup>2</sup>

The Chino Basin is another water source for the WVWD. Adjudicated in 1975 under the Chino Basin Judgment, the Chino Basin is managed by the Chino Basin Optimum Management Plan. This basin lies in the southwestern corner of San Bernardino County, bordered on the east by the Rialto-Colton fault and on impermeable rock of the San Gabriel Mountains, Jurupa Mountains, and Puente Hills. This area is drained by San Antonio Creek and Cucamonga Creek southerly to the Santa Ana River. WVWD owns rights to approximately 900 AF of production in the Chino Basin. Due to water quality constraints, this supply is not currently being used. In the near term, WVWD is looking at options to use its water rights in this basin. By 2030, WVWD may use the supply directly.<sup>3</sup>

This Project includes the development of 180 additional housing units, which is estimated to add 677 residents to Bloomington's existing population.<sup>4</sup> The WVWD Urban Water Management Plan (UWMP) indicates WVWD's calculated water use target for 2020 is 232 gallons per capita per day (GPCD). WVWD met its target, as the actual water use for 2020 was 201 GPCD. Based on a rate of 232 GPCD, development of the site under the existing land use of Medium Density Residential (MDR) would use 157,064 gallons per day<sup>5</sup> or 175.88 AFY. However, using the actual GPCD of 201 would result in even less demand from the Project, as it would result in 136,077 gallons per day or 152.38 AFY, which is much lower than

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<sup>1</sup> West Valley Water District. 2020b. *2020 Integrated Regional Urban Water Management Plan. Upper Santa Ana River Watershed. Part 2: Local Agency UWMPs*. Page 10-16. Website: <https://www.sbvwmwd.com/home/showpublisheddocument/9232/637614632546570000> (accessed April 21, 2022).

<sup>2</sup> West Valley Water District. 2020a. *2020 Integrated Regional Urban Water Management Plan. Upper Santa Ana River Watershed. Part 1: Regional Context*. Page 3-25. Website: <https://www.sbvwmwd.com/home/showpublisheddocument/9206/637614256184870000> (accessed April 21, 2022).

<sup>3</sup> West Valley Water District. 2020b. *2020 Integrated Regional Urban Water Management Plan. Upper Santa Ana River Watershed. Part 2: Local Agency UWMPs*. Page 10-16.

<sup>4</sup> United States Census Bureau. n.d. *QuickFacts, Bloomington CDP, California*. 3.76 persons per household x 180 condominiums = 676.8 persons

<sup>5</sup> 232 gallons per person per day x 677 persons = 157,064 gallons per day ÷ 893= 175.88 acre-feet per year.

the formerly calculated residential water demand.<sup>1</sup> In addition, the application of Title 24 of the CBC would ensure that GPCD demand remains below the target.

According to the WVWD UWMP, WVWD's normal year comparison indicates that it has adequate capacity to serve its service region.<sup>2</sup> WVWD's demands in single dry years are assumed to increase by 10 percent above normal year demands for single and multiple dry years. The local groundwater basins that WVWD produces water from have storage for use in dry years so WVWD can produce the volume of water needed to meet 100 percent of demands in single and multiple dry years. WVWD's supplies are therefore 100 percent reliable during single and multiple dry years up to 2045.<sup>3</sup>

Furthermore, implementation of **MM HYD-3** would ensure the Project would include an infiltration system designed to capture and infiltrate storm water runoff at rates in accordance with the NPDES MS4 Permit, which would not interfere substantially with groundwater recharge or impede sustainable groundwater management of the basins supplying groundwater to the Project. Impacts to groundwater supply and sustainability of groundwater management are reduced to **less than significant with mitigation incorporated**.

**c.i) Less than Significant with Mitigation Incorporated.** Currently, 100 percent of the Project site consists of pervious surface area. Construction activities would expose surface soils to the potential for wind and water erosion. Pursuant to **MM HYD-2**, the Project Applicant would submit to the City a SWPPP that would include a surface water control plan and erosion control plan citing specific measures to control on-site and off-site erosion during the entire grading and construction period. In addition, the SWPPP shall emphasize structural and nonstructural BMPs to control sediment and non-visible discharges from the site. The SWPPP would include inspection forms for routine monitoring of the site during construction phases to ensure NPDES compliance and that additional BMPs and erosion control measures would be documented in the SWPPP and used if necessary. Upon completion of construction and during operation, the Project site would be paved and vegetated, which would prevent erosion and siltation of sediments. Through implementation of **MM HYD-2**, impacts from substantial erosion or siltation on or off site would be reduced to **less than significant with mitigation incorporated**.

**c.ii) Less than Significant with Mitigation Incorporated.** On-site conversion of permeable surfaces to impermeable surfaces could increase stormwater runoff rates and/or volume. NPDES regulations require development projects to retain stormwater runoff on site at levels that generally do not exceed the existing condition. Pursuant to **MM HYD-3**, the Project Applicant shall prepare a Final WQMP that details incorporation of self-treating or self-retaining areas such as landscaped areas of permeable surfaces to the greatest extent practicable and streets/sidewalks/parking lots designed to minimum permitted widths to increase permeable areas. The Final WQMP shall verify the site's minimum DCV of runoff and specify appropriate LID BMPs to ensure post-development storm water runoff volume or time of concentration does not exceed pre-development stormwater runoff by more than 5 percent of the 2-year peak flow in accordance with the NPDES MS4 Permit. Periodic

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<sup>1</sup> 201 gallons per person per day × 677 persons = 136,077 gallons per day ÷ 893= 152.38 acre-feet per year.

<sup>2</sup> West Valley Water District. 2020b. *2020 Integrated Regional Urban Water Management Plan. Upper Santa Ana River Watershed. Part 2: Local Agency UWMPs.* Page 10-22.

<sup>3</sup> West Valley Water District. 2020b. *2020 Integrated Regional Urban Water Management Plan. Upper Santa Ana River Watershed. Part 2: Local Agency UWMPs.* Pages 10-27 to 10-28.

maintenance of any required BMPs during Project occupancy and operation would be in accordance with the schedule outlined in the Final WQMP.

The Project-specific SWPPP and WQMP would be reviewed and approved as routine actions during the processing of the Project by the County; therefore, the required measures and features detailed in the SWPPP and WQMP to maintain drainage patterns and control the rate and volume of runoff would be incorporated into the proposed Project. Risks from flooding due to increases in storm water runoff would be reduced to **less than significant with mitigation incorporated** through implementation of **MM HYD-2** and **HYD-3**.

**c.iii) Less than Significant Impact.** The Clean Water Act delegates authority to the states to issue NPDES permits for discharges of stormwater from construction, industrial, and municipal entities to waters of the United States. The purpose of the MS4 permit is to meet the SWRCB's requirements to mitigate for the negative impact of increases in stormwater runoff caused by new development and redevelopment. The Project stormwater discharge rates cannot exceed the pre-development runoff condition.

The Project is more than 1 acre in size and is required to have coverage under the State's General Permit for Construction Activities SWPPP. Pursuant to **MM HYD-2**, a SWPPP would be prepared detailing BMPs to be implemented during construction to reduce/eliminate adverse water quality impacts resulting from development. All impacts related to runoff during site preparation, and construction would be addressed through implementation of the SWPPP.

Pursuant to **MM HYD-3**, the Applicant shall prepare a WQMP to address Section 303(d) listed pollutants and retain the project site's minimum DCV. Through implementation of **MM HYD-3**, BMPs shall be designed and implemented to ensure post-development stormwater runoff volume or time of concentration does not exceed pre-development stormwater runoff by more than 5 percent of the 2-year peak flow in accordance with the NPDES MS4 Permit. Additional Project design features, such as roof downspouts draining into pervious, landscaped areas, and maintenance of existing surface flows across the Project site into an underground infiltration system, would further maintain the site's existing drainage pattern and prevent additional sources of polluted runoff. Periodic maintenance of the infiltration system and landscaped areas during Project occupancy and operation shall be in accordance with the schedule outlined in the Final WQMP.

The proposed Project is expected to maintain the existing drainage pattern. Upon development of the site, all on-site stormwater would be captured on site in accordance with Santa Ana Regional Water Quality Control Board Order Number R8-2010-0033, NPDES Permit No. CAS618033, also known as the MS4 permit. All runoff would be collected via area drain inlets and pipes and be conveyed to an underground perforated pipe infiltration system. The excess discharge would surface drain out to the existing properties to the south. A CDS clarifier is also proposed for pre-treatment purposes to clean runoff before it gets discharged into the surrounding water bodies. All storm drain infrastructure would be constructed to specifications detailed in the San Bernardino County Development Code. The County Public Works Department would review the proposed storm drain improvements as part of the routine plan check process required by the County to ensure adequate capacity.

BMPs to mitigate the pollutants of concern would treat runoff prior to discharge to the municipal storm drain system. Stormwater from the Project site would be conveyed to an on-

site, underground perforated pipe infiltration system south of the proposed condominiums in accordance with **MM HYD-3**. Any sources of stormwater pollution would be addressed through adherence to NPDES permit requirements. Implementation of **MM HYD-2** and **HYD-3** would ensure polluted runoff during site preparation and construction would be addressed by the SWPPP, and post-development stormwater runoff volume or time of concentration would not exceed pre-development conditions by more than 5 percent of the 2-year peak flow. Therefore, impacts related to the creation or contribution of runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff would be reduced to **less than significant with mitigation incorporated**.

**c.iv) Less than Significant Impact.** According to the Federal Emergency Management Agency Flood Insurance Rate Map No. 06071C8667H, the Project site is not in a flood hazard zone.<sup>1</sup> Currently, stormwater sheet flows in a southern direction, across the residences and onto Santa Ana Avenue. Upon development of the Project, stormwater on impervious surfaces would be conveyed to an underground infiltration system. Excess discharge would surface drain out to the existing properties to the south and continue to maintain the current drainage pattern. Therefore, the Project would be designed and constructed in accordance with the NPDES MS4 Permit, and impacts would be **less than significant**. Mitigation is not required.

**d) Less than Significant impact.** According to the Countywide General Plan Draft EIR, the Project site is not in flood hazard or inundation zones,<sup>2</sup> and the site is not near bodies of water or enclosed water storage features that could result in tsunamis or seiches. Impacts would be **less than significant** and mitigation is not required.

**e) Less than Significant Impact with Mitigation Incorporated.** Please refer to the discussion presented in (Threshold A) and (Threshold B) in this section. **MM HYD-1** through **HYD-3** would ensure the Project would not substantially degrade surface or groundwater quality, inhibit groundwater recharge potential, or substantially deplete groundwater supplies, and the Project would not conflict with any applicable water quality control plan or sustainable groundwater management plan. Impacts would be reduced to **less than significant with mitigation incorporated**.

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<sup>1</sup> Federal Emergency Management Agency (FEMA). n.d. FEMA Flood Map Service Center. Website: <https://msc.fema.gov/portal/search?AddressQuery=10791%20Linden%20Avenue%2C%20Bloomington%2C%20California#searchresultsanchor> (accessed April 21, 2022).

<sup>2</sup> San Bernardino County. 2019a. *Countywide Plan Draft EIR. Hydrology and Water Quality. Figure 5.9-2 Flood Hazard Zones in the Valley and Mountain Regions*. Page 5.9-9. [https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch\\_05-09-HYD.pdf](https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-09-HYD.pdf) (Accessed April 21, 2022).



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
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**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 checked="" type="checkbox"/> | <input type="checkbox"/>            |

***SUBSTANTIATION:***

***Southern California Association of Governments. Final 2016/2045 Regional Transportation Plan/Sustainable Communities Strategy; SCAG 6th Cycle Final RHNA Allocation Plan. Approved on March 22, 2021. ALLOCATION by Regional Early Action Plan (REAP) SUBREGIONS.***

**a) No Impact.** The Project site is bordered to the north and the west by residential units. Land to the south and east of the Project site consists of vacant land and residential units. None of the surrounding residential communities are interconnected, as they exist as enclaves independent and separate from each other. The project would therefore not divide an already established community. Instead, it would serve as an extension to the existing pattern of residential development within the Project area. As such, **no impact** related to the division of established community would result from development of the proposed uses; therefore, no mitigation is warranted.

**b) Less than Significant Impact.** The Project site has a Medium Density Residential (MDR) land use and Single Residential – 20,000-square-foot minimum lot size (RS-20M) zoning designations. **Table 1, Surrounding Land Uses and General Plan and Zoning Designations**, summarizes the Project site and surrounding land uses, General Plan designations, and zoning designations.

The Project would change the zoning designation for the Project site from “Single Residential – 20,000-square-foot minimum lot size (RS-20M)” to the “Multifamily Residential (RM)” to accommodate for the development of 180 condominium homes. However, no GPA is required.

Although the proposed Project requires a zone amendment to accommodate for the housing development, the zone change is a municipal exercise intended to achieve consistency of land use development in accordance with the existing MDR land use designation of the County General Plan.

SCAG functions as the Metropolitan Planning Organization (MPO) for six counties, including San Bernardino County, wherein the Project is located. As the designated MPO, SCAG is federally mandated to research and plan for transportation, growth management, hazardous



waste management, and air quality. SCAG's main responsibilities under state and federal law are preparing the Regional Housing Needs Assessment (RHNA) and the Regional Transportation Plan. Although SCAG does not have formal regulatory authority and cannot directly implement land use decisions, SCAG guides land use planning for the Southern California region through intergovernmental coordination and consensus building. SCAG's Regional Council adopted the latest [2016–2045] RTP/SCS on September 3, 2020. The analysis of the Proposed Project's impacts to the County's growth forecast is based on the latest data provided in SCAG's 2016–2045 RTP/SCS.<sup>1</sup>

Typically, growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans and land use plans. Significant growth impacts could also occur if the project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. As detailed in the RHNA Allocation Plan, the unincorporated area of San Bernardino County will need to accommodate a total of 8,832 units in various income categories, including 2,179 in very low income, 1,360 in low-income, 1,523 in moderate-income, and 3,770 in above moderate-income housing units in order to meet its projected housing needs.<sup>2</sup> Since the Project proposes the development of a residential community, it would contribute to the County's housing needs standards mentioned above. Impacts would be **less than significant**, and no mitigation is required.

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<sup>1</sup> Southern California Association of Governments. 2020. Final 2016/2045 Regional Transportation Plan/Sustainable Communities Strategy. Table 13: County Forecast of Population, Households, and Employment in Demographics & Growth Forecast Appendix. Page 29. Adopted September 3. Website: [https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial\\_demographics-and-growth-forecast.pdf?1606001579](https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579) (accessed April 21, 2022).

<sup>2</sup> Southern California Association of Governments. 2021. SCAG 6th Cycle Final RHNA Allocation Plan. ALLOCATION by Regional Early Action Plan (REAP) SUBREGIONS. Approved on March 22, 2021. Page 6. Website: <https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1625161899> (accessed April 21, 2022).

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XII. MINERAL RESOURCES - Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
<b>SUBSTANTIATION:</b> (Check <input type="checkbox"/> if project is located within the Mineral Resource Zone Overlay):				
<b>County of San Bernardino. San Bernardino Countywide Plan Draft EIR. 5.11 Mineral Resources. Figure 5.11-1: Mineral Resource Zones 2 and 3 in the Southwest Quadrant of County.</b>				

**a and b) Less Than Significant Impact.** The Project site is in the Valley Region of the San Bernardino County. Nearly entire Valley Region, except for the southwestern corner, is designated as either MRZ-2 (Identified Significant Resources) or MRZ-3 (Potential Significant Resources).<sup>1</sup> Because the Project Site is at the interface between MRZ-2 (Identified Significant Resources) and MRZ-3 (Potential Significant Resources), it has the potential to fall under the following mineral zone subcategories.<sup>2</sup>

- **MRZ-2a:** Areas underlain by mineral deposits where geologic data show that significant measured or indicated resources are present.
- **MRZ-2b:** Areas underlain by mineral deposits where geologic information indicates that significant inferred resources are present.
- **MRZ-3a:** Areas containing known mineral deposits that may qualify as mineral resources
- **MRZ-3b:** Areas containing inferred mineral deposits that may qualify as mineral resources.

However, the Project site is in an urbanized area and consists of the development of 180 condominium units with private and common open space areas, a recreation building, and parking spaces. The land use and zoning map designate the Project site as Medium Density

<sup>1</sup> County of San Bernardino. 2019b. San Bernardino Countywide Plan Draft EIR. 5.11 Mineral Resources. Figure 5.11-1: Mineral Resource Zones 2 and 3 in the Southwest Quadrant of County. Page 5.11-5. [https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch\\_05-11-MIN.pdf](https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-11-MIN.pdf) (accessed April 21, 2022).

<sup>2</sup> *Ibid.* Page 5.11-3.

Residential (MDR) and Single Residential with 20,000-square-foot minimum lot size (RS-20M). Mineral resource mining is not a use compatible with the site's land use or zoning designations or with the surrounding land uses, and the Project site has minimal potential to be mined in the future because of its small size and location surrounded by urban development.

Mineral resource extraction would conflict with the purpose and scope of the General Plan and Zoning District in this part of the County. Therefore, impacts from the loss of available mineral resources of value to the State or local jurisdictions would be **less than significant**. Mitigation is not required.

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

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

**San Bernardino County Land Use Services, Valley Region Bloomington Hazard Overlay Map; LSA Associates Inc. Noise and Vibration Impact Analysis for the Linden Bloomington Condos Project in the Unincorporated Community of Bloomington, San Bernardino County, California, November 4, 2022 (Appendix G).**

The following analysis is based in part on Noise and Vibration Impact Analysis for the Linden Bloomington Condos Project in the Unincorporated Community of Bloomington, San Bernardino County, California, by LSA on November 4, 2022, which is included in full as Appendix G.

**a) Less Than Significant Impact.** The Project site is near a Noise Hazard Overlay District or subject to severe noise levels, according to the General Plan Noise Element.<sup>1</sup>

Section 83.01.080(c) of the County of San Bernardino Development Code establishes the noise standards for stationary noise sources that affect adjacent properties. The noisemetric used for stationary sources is defined as noise levels that cannot be exceeded for certain percentages of time, or L<sub>n</sub>. Section 83.01.080(g)(3) of the County Code limits temporary

<sup>1</sup> LSA. 2022e. Noise and Vibration Impact Analysis for the Linden Bloomington Condos Project in the Unincorporated Community of Bloomington, San Bernardino County, California. November 4.

construction, maintenance, repair, or demolition activities to between the hours of 7:00 a.m. and 7:00 p.m., except Sundays and federal holidays.

To establish baseline conditions, two short-term (20-minute) noise level measurements were conducted on February 16, 2022, using a Larson Davis Model 831 Type 1 sound level meter. **Table 13, Short-Term Ambient Noise Level Measurements**, shows the results of the short-term noise level measurements and **Table 14, Long-Term Ambient Noise Monitoring Results**, shows the results of the long-term noise level measurements along with a description of the measurement locations and noise sources that occurred during the measurement. As shown in **Tables 13 and Table 14**, ambient noise levels in the Project vicinity range between 46.6 and 60.8 equivalent continuous sound level ( $L_{eq}$ ) in A-weighted decibels (dBA) and 60.4 and 81.4 dBA maximum instantaneous noise level ( $L_{max}$ ) based on short-term and long-term noise level measurements.

**Table 13: Short-Term Ambient Noise Level Measurements**

Monitor No.	Location	Date	Start Time	Noise Level (dBA)			Noise Source(s)
				$L_{eq}$	$L_{max}$	$L_{min}$	
ST-1	Western project boundary between properties of 10709 and 10731 Linden Avenue near chain-link fence.	2/16/22	9:46 a.m.	46.8	63.8	40.8	Very light traffic on Linden Avenue and Ash Street. Faint traffic noise on Cedar Avenue. Faint noise train braking.
ST-2	Eastern project boundary. On the western edge of the gravel road.	2/16/22	9:18 a.m.	48.6	67.6	42.5	Traffic on Cedar Avenue. Faint noise from trains braking to the northeast. Faint noise from roosters crowing at residences to the southwest, aircraft noise, and bird noise.

Source: LSA. 2022e. Table F.  
dBA = A-weighted decibel  
 $L_{eq}$  = equivalent continuous sound level

$L_{max}$  = maximum instantaneous noise level  
 $L_{min}$  = minimum instantaneous noise level

**Table 14: Long-Term Ambient Noise Monitoring Results**

Monitor No.	Location	Noise Level (dBA)				Noise Sources
		Daytime <sup>1</sup>		Nighttime <sup>2</sup>		
		L <sub>eq</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>max</sub>	
LT-1	Southwest of 10591 Orchard Street. At the north edge of the project site on a tree.	54.7-60.8	68.5-81.4	55.7-56.8	72.1-78.2	Very light traffic on Linden Avenue and Ash Street. Faint traffic on Cedar Avenue. Faint train braking noise.
LT-2	West of 18612 Santa Ana Avenue. On utility pole approximately 400 feet north of the centerline for Santa Ana Avenue.	58.1-60.8	71.8-80.9	58.6-59.8	70.3-78.2	Traffic on Cedar Avenue and Santa Ana Avenue. HVAC noise at 18612 Santa Ana Avenue. Faint noise from trains braking to the northeast, faint aircraft noise, and bird noise.
ST-1 <sup>3</sup>	Western project boundary between properties of 10709 and 10731 Linden Avenue near chain-link fence.	46.6-52.7	60.4-73.3	47.6-48.7	64.0-70.1	Very light traffic on Linden Avenue and Ash Street. Faint traffic noise on Cedar Avenue. Faint train braking noise.
ST-2 <sup>3</sup>	Eastern project boundary. On the western edge of the gravel road.	50.6-56.7	64.4-77.3	51.6-52.7	68.0-74.1	Traffic on Cedar Avenue. Faint noise from trains braking to the northeast. Faint noise from roosters crowing at residences to the southwest, aircraft noise, and bird noise.

Source: LSA. 2022e. Table I.

Note: Long-term (24-hour) noise level measurements were conducted from February 16, 2022, to February 17, 2022.

<sup>1</sup> The daytime noise level range are based on the hours between 9:00 a.m. and 10:00 p.m. due to noise contamination from high wind speeds for the remaining hours of the long-term noise level measurement.

<sup>2</sup> The nighttime noise level range are based on the hours between 10:00 p.m. and 2:00 a.m. due to noise contamination from high wind speeds for the remaining hours of the long-term noise level measurement.

<sup>3</sup> Noise levels were calculated based on the long-term noise level measurement at LT-1.

CNEL = Community Noise Equivalent Level

dBA = A-weighted decibels

ft = foot/feet

HVAC = heating, ventilation, and air conditioning

L<sub>eq</sub> = equivalent continuous sound level

L<sub>max</sub> = maximum instantaneous noise level

**Temporary (Construction) Noise.** Noise increases from the Project would be generated on a short-term basis during construction activities. Noise impacts associated with construction activity are a function of the noise generated by the type of equipment used, the location and sensitivity of nearby land uses, and the timing and duration of the noise-generating activities. Two types of short-term construction noise would occur during construction. The first type would be from construction crew commutes and the transport of construction equipment and materials to the Project Site and would incrementally raise noise levels on roadways leading to the site. The pieces of construction equipment for construction activities would move on site, would remain for the duration of each construction phase, and would not add to the daily traffic volume in the Project vicinity.

Although there would be a relatively high single-event noise exposure potential causing intermittent noise nuisance (passing trucks at 50 feet would generate up to a maximum of 84 dBA), the effect on longer-term ambient noise levels would be small because the number of daily construction-related vehicle trips would be small compared to the existing daily traffic volume on Slover Avenue, Santa Ana Avenue, Linden Avenue, and Cedar Avenue. The building construction phase would generate the most trips out of all of the

construction phases, at 172 trips per day, based on the California Emissions Estimator Model (Version 2020.4.0). Roadways that would be used to access the Project site are Linden Avenue, Slover Avenue, and Santa Ana Avenue. Based on Table J in the noise analysis (Appendix G), Linden Avenue, Slover Avenue, and Santa Ana Avenue have estimated existing average daily traffic volumes of 2,979, 11,344, and 6,004, respectively, near the Project site. Based on the information above, construction-related traffic from the Project would increase noise by up to 0.2 dBA. A noise level increase of less than 3 dBA would not be perceptible to the human ear in an outdoor environment. Therefore, no short-term, construction-related impacts associated with worker commutes and transport of construction equipment and material to the Project site would occur, and no noise reduction measures would be required.

The second type of short-term noise impact is related to noise generated from construction activities. The proposed Project anticipates site preparation, grading, building construction, paving, and architectural coating phases of construction. These various sequential phases of construction change the character of the noise generated on a Project site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. The demolition, site preparation, and grading phase tends to generate the highest noise levels. Noise associated with the use of each type of construction equipment for the site preparation phase is estimated to be between 55 dBA  $L_{max}$  and 85 dBA  $L_{max}$  at a distance of 50 feet from the active construction area. The maximum noise level generated by each grader is assumed to be approximately 85 dBA  $L_{max}$  at 50 feet. Each bulldozer would generate approximately 85 dBA  $L_{max}$  at 50 feet. The maximum noise level generated by water trucks/pickup trucks is approximately 55 dBA  $L_{max}$  at 50 feet from these vehicles. Each doubling of the sound sources with equal strength increases the noise level by 3 dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, the worst-case combined noise level during this phase of construction would be 88 dBA  $L_{max}$  at a distance of 50 feet from the active construction area. Based on a usage factor of 40 percent, the worst-case combined noise level during this phase of construction would be 84 dBA  $L_{eq}$  at a distance of 50 feet from the active construction area.

The nearest sensitive receptor is the residential property line within 50 feet of the Project construction boundary that may be subject to short-term construction noise reaching 88 dBA  $L_{max}$  (84 dBA  $L_{eq}$ ) or higher. Daytime ambient noise levels in the project vicinity range between 46.6 and 60.8 dBA  $L_{eq}$  and 60.4 and 81.4 dBA  $L_{max}$  based on short-term and long-term noise level measurements shown in **Tables 13** and **14**. Although noise generated by Project construction activities would be higher than the ambient noise levels and would result in a temporary increase in the ambient noise levels, the proposed Project would be required to comply with the construction hours specified in Section 83.01.080(g)(3) of the County Development Code and the construction noise would stop once Project construction is completed. Implementation of **Standard Condition (SC) NOI-1** would further ensure compliance with the County's prohibition of construction noise during selected times. Therefore, no noise impacts from construction activities would occur. No noise reduction measures are required.

**SC NOI-1**      The construction contractor shall limit construction activities to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and Saturdays. Construction



is prohibited outside these hours or at any time on Sundays and federal holidays.

During all project site excavation and grading, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and most noise-sensitive receptors nearest the project site during all project construction.

The construction contractor shall place all stationary construction equipment so that the emitted noise is directed away from the sensitive receptors nearest the project site.

With implementation of **SC NOI-1**, construction-related noise impacts would conform to established County standards, ensuring impacts remain **less than significant**.

**Permanent (Operational) Noise.** Long-term noise associated with the Project would be generated from vehicle traffic and on-site stationary sources. Whereas mobile noise sources such as vehicle traffic are measured as Community Noise Equivalent Level (CNEL), stationary noise sources such as parking lot activities and heating ventilation air conditioning are measured as  $L_{max}$  and  $L_{eq}$ .

*Mobile Noise:* Noise levels from vehicle traffic (including resident vehicles) entering and exiting the site are analyzed along roadway segments in the Project vicinity using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (1977; FHWA RD-77-108). **Table 15: Existing Traffic Noise Levels Without and With Project** summarizes the existing (2022) traffic noise levels without and with the Project. These noise levels represent the worst-case scenario, which assumes that no shielding is provided between the traffic and the location where the noise contours are drawn.

As detailed in **Table 15**, the Project-related traffic would increase noise by up to 0.5 dBA in the Project vicinity. The noise level increase is less than 3 dBA and would not be perceptible to the human ear in an outdoor environment. Therefore, no traffic noise impacts from Project-related traffic on off-site sensitive receptors would occur. Impacts would be **less than significant** and no noise reduction measures are required.

*Heating, Ventilation, and Air Conditioning Activity:* The proposed Project would include on-site ground-floor heating, ventilation, and air conditioning (HVAC) units for each residence that could potentially operate 24 hours per day. Each HVAC unit would generate a sound power level of 73.0 dBA, which would be equivalent to 41.4 dBA at 50 feet. It is assumed that off-site properties adjacent to the proposed Project site would be exposed to noise levels from up to 3 HVAC units as a worst-case scenario, which would reach a noise level of 46.2 dBA  $L_{eq}$  at 50 feet. However, the proposed on-site ground floor HVAC equipment would be shielded by the proposed 6-foot-high perimeter wall around the Project site, which would provide a minimum noise reduction of 5 dBA.

**Table 15: Existing Traffic Noise Levels Without and With Project**

Roadway Segment	Without Project Traffic Conditions					With Project Traffic Conditions					
	ADT	Centerline to 70 dBA CNEL (feet)	Centerline to 65 dBA CNEL (feet)	Centerline to 60 dBA CNEL (feet)	CNEL (dBA) 50 feet from Centerline of Outermost Lane	ADT	Centerline to 70 dBA CNEL (feet)	Centerline to 65 dBA CNEL (feet)	Centerline to 60 dBA CNEL (feet)	CNEL (dBA) 50 feet from Centerline of Outermost Lane	Increase from Without Project Conditions (dBA)
Linden Avenue between Slover Avenue and Ash Street	3,061	< 50	< 50	< 50	55.6	3,485	<50	<50	<50	56.1	0.5
Linden Avenue between Ash Street and Santa Ana Avenue	2,979	< 50	< 50	< 50	55.5	3,283	<50	<50	<50	55.9	0.4
Slover Avenue between Maple Avenue and Linden Avenue	15,306	60	120	254	68.4	15,670	60	122	258	68.5	0.1
Slover Avenue between Linden Avenue and Orchard Street (South Branch)	11,639	< 50	101	212	67.2	11,943	<50	102	216	67.3	0.1
Slover Avenue between Orchard Street (South Branch) and Valencia Street	11,344	< 50	99	209	67.1	11,890	<50	102	215	67.3	0.2
Santa Ana Avenue between Maple Avenue and Linden Avenue	6,327	< 50	< 50	97	63.6	6,449	<50	<50	99	63.7	0.1
Santa Ana Avenue between Linden Avenue and Cedar Avenue	6,004	< 50	< 50	94	63.5	6,126	<50	<50	95	63.5	0.1

Source: Compiled by LSA (2022).

Note: Traffic noise within 50 ft of the roadway centerline should be evaluated with site-specific information.

ADT = average daily traffic

CNEL = Community Noise Equivalent Level

dBA = A-weighted decibels

ft = foot/feet

**Table 16: HVAC Noise Levels** shows the noise levels generated from three HVAC units operating simultaneously at the property lines of adjacent land uses surrounding the Project site along with the distance from the HVAC equipment to the property line, distance attenuation, shielding from the proposed 6-foot-high perimeter wall, the average daytime and nighttime ambient noise levels, and the daytime and nighttime ambient noise level increases from the proposed on-site HVAC units. As shown in **Table 16**, noise levels generated from on-site HVAC units would not exceed the County's exterior daytime (7:00 a.m. to 10:00 p.m.) 30-minute ( $L_{50}$ ) noise standard of 55 dBA for residential land uses surrounding the Project site. In addition, noise generated from on-site HVAC units would not exceed the County's exterior nighttime (10:00 p.m. to 7:00 a.m.) 30-minute ( $L_{50}$ ) noise standard of 45 dBA for the residences east and southeast of the Project site. Residential uses north, east, south, and west of the project site would exceed the County's exterior nighttime (10:00 p.m. to 7:00 a.m.) 30-minute ( $L_{50}$ ) noise standard of 45 dBA. However, noise generated from on-site HVAC units would increase ambient noise levels by up to 2.5 dBA during nighttime hours. This increase in noise would be less than 3 dBA, which is not perceptible to the human ear in an outdoor environment and the increase in ambient noise level would not be considered substantial. Therefore, no off-site noise impacts from on-site HVAC equipment would occur. No noise reduction measures are required.

**Table 16: HVAC Noise Levels**

Land Use	Direction	Reference Noise Level at 50 ft (dBA $L_{eq}$ )	Distance from Source to Off-Site Property Line (ft)	Distance Attenuation (dBA)	Shielding <sup>1</sup> (dBA)	Exterior Noise Level (dBA $L_{eq}$ )	Average Daytime/ Nighttime Ambient Noise Level <sup>2</sup> (dBA $L_{eq}$ )	Daytime/ Nighttime Ambient Noise Level Increase (dBA)
Residential	North	46.2	25	-6.0	5	47.2	57.1/56.3	0.4/0.5
Residential	East	46.2	20	-8.0	5	49.1	53.0/52.2	1.5/1.7
Rehab	Southeast	46.2	50	0.0	5	41.2	59.5/59.3	0.1/0.1
Residential	South	46.2	25	-6.0	5	47.2	59.5/59.3	0.2/0.3
Residential	West	46.2	25	-6.0	5	47.2	49.0/48.2	2.2/2.5

Source: LSA, 2022e, Table O.

<sup>1</sup> The proposed on-site ground floor HVAC equipment would be shielded by the proposed 6 ft high perimeter wall, which would provide a minimum noise reduction of 5 dBA.

<sup>2</sup> The average daytime ambient noise level was calculated based on the hours between 9:00 a.m. and 10:00 p.m. and the average nighttime ambient noise level was calculated based on the hours between 10:00 p.m. and 2:00 a.m.

dBA = A weighted decibels

HVAC = heating, ventilation, and air conditioning

$L_{eq}$  = equivalent continuous sound level

As detailed above, the Project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project that is in excess of standards established in the County Development Code. With implementation of **SC NOI-1** for construction activities, impacts would remain **less than significant**.

**b) No Impact.** Ground-borne noise is typically assessed at locations where there is no airborne noise path, or for buildings with substantial sound insulation such as a recording studio. For typical buildings, the interior airborne noise levels are often higher than the ground-

borne noise levels. Therefore, the main focus of the discussion/analysis is ground-borne vibration.

Vibration standards included in the Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual* (2018) are used in this analysis for ground-borne vibration impacts on human annoyance. The criteria for environmental impact from ground-borne vibration and noise are based on the maximum levels for a single event. FTA guidelines show that a vibration level of up to 0.5 inches per second (in/sec) in peak particle velocity (PPV) (FTA 2018) is considered safe for buildings consisting of reinforced concrete, steel, or timber (no plaster), and would not result in any construction vibration damage. For non-engineered timber and masonry buildings, the construction building vibration damage criterion is 0.2 in/sec in PPV. For a fragile building, the construction vibration damage criterion is 0.12 PPV (in/sec).

Section 83.01.090 of the County Development Code was used to evaluate potential vibration impacts from Project operations. Section 83.01.090 states that no ground vibration shall be allowed that can be felt without the aid of instruments at or beyond the lot line, nor shall any vibration be allowed which produces a particle velocity greater than or equal to two-tenths (0.2) in/sec measured at or beyond the lot line. In addition, vibration generated from temporary construction, maintenance, repair, or demolition activities between 7:00 a.m. and 7:00 p.m. is exempt, except on Sundays and federal holidays.

**Construction Vibration.** The greatest levels of vibration are anticipated during the site preparation/grading phases, during which a large bulldozer and loaded trucks would generate ground-borne vibration of up to 87 vibration velocity decibel (VdB) (0.089 PPV [in/sec]) and 86 VdB (0.076 PPV [in/sec]) when measured at 25 feet, respectively. All other construction phases are expected to result in lower vibration levels. **Table 17, Vibration Source Amplitudes for Construction Equipment**, summarizes the reference vibration levels at a distance of 25 feet for standard construction equipment.

The distance to the nearest buildings for vibration impact analysis is measured between the nearest off-site buildings and the project boundary (assuming the construction equipment would be used at or near the project boundary), because vibration impacts normally occur within the buildings.

**Table 17: Vibration Source Amplitudes for Construction Equipment**

Equipment	Reference PPV/L <sub>v</sub> at 25 ft	
	PPV (in/sec)	L <sub>v</sub> (VdB) <sup>1</sup>
Pile Driver (Impact), Typical	0.644	104
Pile Driver (Sonic), Typical	0.170	93
Vibratory Roller	0.210	94
Hoe Ram	0.089	87
<b>Large Bulldozer<sup>2</sup></b>	<b>0.089</b>	<b>87</b>
Caisson Drilling	0.089	87
<b>Loaded Trucks<sup>2</sup></b>	<b>0.076</b>	<b>86</b>
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Sources: FTA, 2018, Table 7-4.

<sup>1</sup> RMS vibration velocity in decibels (VdB) is 1 μin/sec.

<sup>2</sup> Equipment shown in **bold** is expected to be used on site.

µin/sec = micro-inches per second  
ft = foot/feet  
FTA = Federal Transit Administration  
in/sec = inches per second  
L<sub>v</sub> = velocity in decibels  
PPV = peak particle velocity  
RMS = root-mean-square  
VdB = vibration velocity decibels

**Table 18, Construction Vibration Levels**, lists the projected vibration levels from various construction equipment expected to be used on the project site in the active construction area to the closest buildings in the project vicinity. As shown in **Table 18**, the closest residential buildings east and west of the Project site are located approximately 60 feet from the active construction area and would experience vibration levels of up to 76 VdB. This vibration level would not have the potential to result in community annoyance because vibration levels would not exceed the FTA's community annoyance threshold of 78 VdB for daytime residences. Other building structures that surround the project site would experience lower vibration levels because they are farther away.

**Table 18: Potential Construction Vibration Annoyance**

Land Use	Direction	Equipment/ Activity	Reference Vibration Level (VdB) at 25 ft	Distance to Structure (ft) <sup>1</sup>	Vibration Level (VdB)
Residential	North	Large bulldozers	87	75	73
		Loaded trucks	86	75	72
Residential	East	Large bulldozers	87	60	76
		Loaded trucks	86	60	75
Rehab	Southeast	Large bulldozers	87	235	58
		Loaded trucks	86	235	57
Residential	South	Large bulldozers	87	545	47
		Loaded trucks	86	545	46
Residential	West	Large bulldozers	87	60	76
		Loaded trucks	86	60	75

Source: LSA. 2022e. Table M.

Note: The FTA-recommended annoyance threshold of 78 VdB for residential homes was used to assess potential construction vibration annoyance.

<sup>1</sup> Distance from the active construction area near the center of the project site to the building structure.

ft = foot/feet

VdB = vibration velocity decibels

FTA = Federal Transit Administration

**Table 19, Potential Construction Vibration Damage**, lists the projected vibration levels from various construction equipment expected to be used on the project site at the project construction boundary to the nearest buildings in the project vicinity. As shown in **Table 19**, the closest residential buildings east and west of the Project site are located approximately 5 ft from the project construction boundary and would experience vibration levels of up to 0.995 PPV [in/sec]. This vibration level would have the potential to cause building damage because residential structures are constructed of non-engineered timber

and masonry and vibration levels would exceed the FTA vibration damage threshold of 0.2 PPV (in/sec). The implementation of vibration reduction measures to restrict heavy construction equipment (e.g., large bulldozers and loaded trucks) or require the use of light construction equipment (e.g., small bulldozers and pick-up trucks) within 15 feet of the eastern and western Project construction boundary would reduce construction vibration levels to 0.191 PPV (in/sec). Also, implementation of **SC NOI-1** for construction and compliance with the construction hours specified in Section 83.01.080(g)(3) of the County Development Code would minimize construction vibration at the property line adjacent to the Project site.

Other nearby structures surrounding the Project site, including other residential structures and the rehabilitation facility, are farther away and would experience a vibration level of up to 94 VdB (191 PPV [in/sec]). This vibration level would not have the potential to cause building damage because residential structures and the rehabilitation facility would be constructed of non-engineered timber and masonry or better and vibration levels would not exceed the FTA vibration damage threshold of 0.2 PPV (in/sec). Therefore, no vibration impacts from project construction activities would occur with the implementation of standard conditions for construction and vibration reduction measures.

**Table 19: Potential Construction Vibration Damage**

Land Use	Direction	Equipment/ Activity	Reference Vibration Level at 25 ft		Distance to Structure (ft)	Maximum Vibration Level	
			VdB	PPV (in/sec)		VdB	PPV (in/sec)
Residential	North	Large Bulldozer	87	0.089	15	94	0.191
		Loaded Truck	86	0.076	15	93	0.164
Residential	East	Large Bulldozer	87	0.089	5	108	0.995
		Loaded Truck	86	0.076	5	107	0.850
Rehab	Southeast	Large Bulldozer	87	0.089	155	63	0.006
		Loaded Truck	86	0.076	155	62	0.005
Residential	South	Large Bulldozer	87	0.089	480	49	0.001
		Loaded Truck	86	0.076	480	48	0.001
Residential	West	Large Bulldozer	87	0.089	5	108	0.995
		Loaded Truck	86	0.076	5	107	0.850

Source: LSA. 2022e. Table N.

Note: The FTA-recommended building damage threshold is 0.2 PPV (in/sec) at the receiving residential building structures.

ft = foot/feet

FTA = Federal Transit Administration

in/sec = inches per second

PPV = peak particle velocity

VdB = vibration velocity decibels

**Long-Term Operational Vibration.** Operation of the proposed residential community would not generate vibration. In addition, vibration generated from Project-related traffic on the adjacent roadways (Linden Avenue, Santa Ana Avenue, and Slover Avenue) are unusual for on-road vehicles because the rubber tires and suspension systems of on-road vehicles provide vibration isolation. Therefore, no vibration impacts from Project-related operations would occur and no vibration reduction measures are required. **No impact** related to ground-borne vibration or ground-borne noise would result from Project development; therefore, no mitigation is required.

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

**SUBSTANTIATION:**

***Southern California Association of Governments (SCAG), Final 2016/2045 Regional Transportation Plan/Sustainable Communities Strategy; United States Census Bureau; SCAG 6th Cycle Final RHNA Allocation Plan.***

**a) Less than Significant Impact.** Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, the growth-inducing potential of a project would be considered substantial if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies (e.g., SCAG).

SCAG functions as the MPO for six counties, including San Bernardino County, wherein the Project is located. As the designated MPO, SCAG is federally mandated to research and plan for transportation, growth management, hazardous waste management, and air quality. SCAG's main responsibilities under state and federal law are preparing the RHNA and the RTP. Although SCAG does not have formal regulatory authority and cannot directly implement land use decisions, SCAG guides land use planning for the Southern California region through intergovernmental coordination and consensus building. SCAG's Regional Council adopted the latest [2016–2045] RTP/SCS on September 3, 2020. The analysis of the proposed Project's impacts to the County's growth forecast is based on the latest data provided in SCAG's 2016–2045 RTP/SCS.<sup>1</sup>

<sup>1</sup> Southern California Association of Governments. 2020. Final 2016/2045 Regional Transportation Plan/Sustainable Communities Strategy. Table 13: County Forecast of Population, Households, and Employment in Demographics & Growth Forecast Appendix. Page 29. Adopted September 3, 2020. Website: [https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial\\_demographics-and-growth-forecast.pdf?1606001579](https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579) (accessed April 21, 2022).

As of April 1, 2020, the United States Census Bureau estimated Bloomington's population to be 24,339 persons<sup>1</sup>. Development of the proposed Project and other projects in the unincorporated area and in San Bernardino County would lead to increases in population, housing, and employment. Based on a per-unit occupancy and the number of residential units, the proposed Project can accommodate a population of up to 677 persons.<sup>2</sup> This figure is consistent with future growth projections made by the County; therefore, development of the Project would not generate a population increase inconsistent with the County's projected population growth.

As detailed in the RHNA Allocation Plan, the unincorporated area of San Bernardino County will need to accommodate a total of 8,832 units in various income categories, including 2,179 in very low income, 1,360 in low-income, 1,523 in moderate-income, and 3,770 in above moderate-income housing units to meet its projected housing needs.<sup>3</sup> Because the Project proposes the development of a 180-units of condominium housing, it would contribute to the County's housing needs standards mentioned above.

Although the potential exists for the proposed Project to result in population growth, the Project would develop housing that would contribute to the County's RHNA housing needs and is not expected to exceed the County's population growth projected by SCAG in its 2020–2045 RTP/SCS. Therefore, population increase as a result of the proposed Project is not considered substantial or unplanned. The proposed Project would have a **less than significant** impact to the environment resulting from population growth, and mitigation is not required.

**b) No Impact.** The Project is on undeveloped land. No persons currently reside on site. In the absence of an on-site population, the Project would not result in the displacement of persons or necessitate the construction of replacement housing. **No impact** would result from Project development; therefore, no mitigation is required.

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<sup>1</sup> United States Census Bureau. *n.d.* QuickFacts, Bloomington CDP, California. Website: <https://www.census.gov/quickfacts/fact/table/bloomingtoncdpcalifornia,US/PST045221> (accessed February 14, 2022).

<sup>2</sup> Ibid. 3.76 persons per household x 180 condominiums = 676.8 persons

<sup>3</sup> Southern California Association of Governments. 2021. *SCAG 6th Cycle Final RHNA Allocation Plan. ALLOCATION by Regional Early Action Plan (REAP) SUBREGIONS*. Approved on March 22, 2021. Page 6. Website: <https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1625161899> (accessed April 21, 2022).



<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XV. PUBLIC SERVICES</b>				

- 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 checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

***SUBSTANTIATION:***

***San Bernardino County Fire Department; San Bernardino County. Countywide Plan Draft EIR. Public Services; National Center for Education Statistics; California School Dashboard - Walter Zimmerman Elementary School, Ruth O. Harris Middle School, Bloomington Valley High School; California State Legislature, Legislative Analyst's Office***

**a.i) Less than Significant Impact.** The San Bernardino County Fire Protection District (SBCFPD) provides fire protection, fire prevention, and emergency services to Bloomington. San Bernardino County Fire Station 76, located at 10174 Magnolia Street, approximately 2 miles north of the site in Bloomington, and San Bernardino County Fire Station 77, located at 17459 Slover Avenue, approximately 2 miles northwest of the site in Fontana, are the nearest fire stations. Fire Stations 76 and 77 contain one medic and brush engines.<sup>1,2</sup> Average travel time between Fire Station 76 and the Project site is 8 minutes and Fire Station 77 and the Project site is 8 minutes. Through compliance with California Vehicle Code 21806(A)(1), which requires all vehicles to yield to emergency vehicles, the proposed Project is not expected to reduce the SBCFPD's response times.

Development of the Project may incrementally increase the demand for fire protection services through potentially generating an increase in population and structures within the SBCFPD

<sup>1</sup> San Bernardino County Fire Department. n.d.-a. Station 76. Website: <https://www.firedepartment.net/directory/california/san-bernardino-county/bloomington/san-bernardino-county-fire-department-station-76> (accessed April 21, 2022).

<sup>2</sup> San Bernardino County Fire Department. n.d.-b. Station 77. Website: <https://www.firedepartment.net/directory/california/san-bernardino-county/fontana/san-bernardino-county-fire-department-station-77> (accessed April 21, 2022).

service area, but not to the degree that the existing fire stations within the unincorporated area could not meet demand.

Project design features incorporated into the structural design and layout of the proposed development would keep service demand increases to a minimum. For example, the Project must coordinate with the SBCFPD during the development review process to identify and mitigate any fire hazards and ensure adequate emergency water flow, fire-resistant design and materials, early warning systems and evacuation routes, restricted red curb areas, and emergency vehicle access entries from Linden Avenue, Santa Ana Avenue, Slover Street, and Orchard Street. Additionally, the SBCFPD maintains mutual aid agreements with neighboring cities (e.g., Rancho Cucamonga, Ontario, and Rialto), which would allow for the services of nearby fire departments to assist the unincorporated area during major emergencies.

The proposed Project design would be submitted to and approved by the SBCFPD prior the issuance of building permits. As with any development project in the County, the Project would be required to pay Development Impact Fees (DIF), which, in turn, contribute funds to capital costs associated with constructing new public safety structures such as fire stations and purchasing equipment for new public safety structures.

The addition of 180 condominium homes constructed in accordance with applicable policies designed to minimize fires (i.e., CBC and California Fire Code) would not require new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts. Therefore, impacts would be **less than significant** and mitigation is not required.

**a.ii) Less than Significant Impact.** According to the Countywide Plan EIR, the San Bernardino County Sheriff's Department (SBCSD) is the main enforcement agency for the County. SBCSD serves 14 incorporated cities and towns in addition to serving unincorporated County areas. SBCSD includes a total of 3,956 staff members, consisting of 1,875 Sheriff/Coroner/Public Administrator staff, 1,467 Detentions staff, and 614 Law Enforcement Contracts staff. The SBCSD serves Bloomington and the City of Fontana Sphere of Influence from its Fontana Station at 17780 Arrow Boulevard in Fontana. There are 28 patrol deputies assigned to the Fontana Station's service area consisting of unincorporated areas near Fontana.<sup>1</sup>

Implementation of the Project would incrementally increase the demand for police services. The Project site would be equipped with formal surveillance through the use of closed-circuit television, electronic monitoring, and potentially security patrols. Additionally, architecture, landscaping, and lighting will be designed to minimize visual obstacles and eliminate places of concealment for potential assailants. The City of Fontana also employs Crime Prevention Through Environmental Design (CPTED) principles during the development review process for new construction and offers CPTED inspection services free of charge to reduce the likelihood of criminal activity and create safer places for the community.

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<sup>1</sup> San Bernardino County. 2019c. *Countywide Plan Draft EIR. Public Services*. Page 5.14-9. Website: [https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch\\_05-14-PS.pdf](https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-14-PS.pdf) (accessed April 21, 2022).

The SBCSD monitors its facility, equipment and staffing levels to ensure that adequate police protection and response times continue to be provided as individual development projects are proposed and on an annual basis as part of the County's budgeting process.<sup>1</sup> The continual monitoring of their facilities, equipment and police staffing levels by the SBCSD would ensure the proposed Project would not result in a significant reduction in police response times.

Funding for new police facilities in San Bernardino County is provided from the general revenues and from DIFs levied on all new development, including the Project. These DIFs are one-time charges applied to new development and are imposed to contribute revenue for the construction or expansion of capital facilities such as police stations.

The Project would be designed and operated per applicable standards required for new development. Payment of DIFs commensurate with the increased demand for services in the County would offset any increase in demand for police services. As such, the addition of 180 condominium homes constructed and operated with applicable policies designed to minimize crime (e.g., CPTED) would not require new or physically altered police protection facilities, the construction of which could cause significant environmental effects. Therefore, impacts on police services would be **less than significant** and mitigation is not required.

**a.iii) Less than Significant Impact:** The Project site is within the Colton Joint Unified School District. The Colton Joint Unified School District had a 2020–2021 enrollment of 20,550 students (in 28 schools).<sup>2</sup>

The closest elementary school serving the Project site is Walter Zimmerman Elementary School at 11050 Linden Avenue, 0.3 mile south of the Project site. Walter Zimmerman Elementary School had a 2021 enrollment of 578 students.<sup>3</sup> The closest middle school serving the Project site is Ruth O. Harris Middle School at 11150 Alder Avenue, approximately 1 mile southwest of the site. Ruth O. Harris Middle School had a 2021 enrollment of 670 students.<sup>4</sup> The closest high school serving the Project site is Bloomington Valley High School located 10750 Laurel Avenue, less than 1 mile west of the site. Bloomington Valley High School had a 2021 enrollment of 2,314 students.<sup>5</sup>

This Project includes the development of 180 additional housing units, which is estimated to add 677 residents to Bloomington's existing population. This could lead to a potential increase in the number of school-age students, but it is not guaranteed as residents may be already existing in the area. Children composing a portion of the 677 residents would attend school in the Colton Joint Unified School District. It is anticipated that students generated by the proposed Project would attend Walter Zimmerman Elementary School, Ruth O. Harris Middle

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<sup>1</sup> San Bernardino County. 2019d. *Countywide Plan Draft EIR. Public Services. Table 5.14-8 Projected Student Population Growth by Planning Area*. Page 5.14-23. Website: [https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch\\_05-14-PS.pdf](https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-14-PS.pdf) (accessed February 15, 2022).

<sup>2</sup> National Center for Education Statistics. *Colton Joint Unified District*. Website: [https://nces.ed.gov/ipeds/data/districtsearch/district\\_detail.asp?Search=2&details=1&ID2=0609390&DistrictID=0609390](https://nces.ed.gov/ipeds/data/districtsearch/district_detail.asp?Search=2&details=1&ID2=0609390&DistrictID=0609390) (accessed February 15, 2022).

<sup>3</sup> California Department of Education, California School Dashboard. n.d.-a. *Walter Zimmerman Elementary School*. <https://www.caschooldashboard.org/reports/36676866035729/2021> (accessed April 21, 2022).

<sup>4</sup> California Department of Education, California School Dashboard. n.d.-b. *Ruth O. Harris Middle School*. <https://www.caschooldashboard.org/reports/36676866111108/2021> (accessed April 21, 2022).

<sup>5</sup> California Department of Education, California School Dashboard. n.d.-c. *Bloomington Valley High School*. <https://www.caschooldashboard.org/reports/36676863631322/2021> (accessed April 21, 2022).

School, and Bloomington Valley High School, as these three schools are the closest schools to the Project site. **Table 20, Projected Student Population Growth by Planning Area**, shows the student generation rates for different planning areas and the number of students estimated to be generated by the proposed Project.<sup>1</sup>

**Table 20: Projected Student Population Growth by Planning Area**

Planning Area	Housing Unit Growth	Student Generation Rate	Projected Number of Additional Students
<b>Unincorporated</b>			
Bloomington Community Planning Area (CPA)	6,619	0.6	3,971

Source: San Bernardino County. 2019c. Table 5.14-8.

Notes: Housing Unit Growth for each region is based on Table 3-3. The student generation rate of 0.6 students per unit (K–12) was estimated based on information provided by Owen Chang, Director of Facilities Planning and Construction for Colton Joint Unified School District (CJUSD). CJUSD serves the Bloomington CPA, the area with the largest anticipated growth in housing units due to buildout of the Bloomington Community Plan. The Bloomington CPA rate is used to estimate student growth across the unincorporated area. Student generation rates were provided for Single-Family and Multifamily housing units. The Single-Family rate provided is 0.7225. **The multifamily student rate provided is 0.4841.** An average student generation rate of 0.6 was used in the analysis.

Based on the generation rates identified in **Table 20**, 3,971 additional students are anticipated at full buildout of the Bloomington Community Planning Area (CPA). Because the proposed Project is a multifamily community, it is anticipated to generate 87 additional students,<sup>2</sup> which is equivalent to 2.19 percent<sup>3</sup> of the projected number of additional students for Bloomington CPA at full buildout in 2040. As such, the proposed Project is consistent with the growth projections of Bloomington CPA, and schools are anticipated to adequately accommodate the new students generated by the proposed Project.

California Government Code (Section 65995[b]) establishes the base amount of allowable developer fees imposed by school districts. These base amounts are commonly referred to as “Level 1 fees” and are subject to inflation adjustment every 2 years. School districts are placed into a specific “level” based on school impact fee amounts that are imposed on the development. With the adoption of Senate Bill 50 and Proposition 1A in 1998, schools meeting certain criteria can now adopt Level 2 and 3 developer fees. The amount of fees that can be charged over the Level 1 amount is determined by the district’s total facilities needs and the availability of State matching funds. If there is State facility funding available, districts are able to charge fees equal to 50 percent of their total facility costs, termed “Level 2” fees. If, however, there are no State funds available, “Level 3” fees may be imposed for the full cost of their facility needs.<sup>4</sup>

County of San Bernardino. 2019d. *San Bernardino Countywide Plan Draft PEIR. Public Services. Table 5.14-8 Projected Student Population Growth by Planning Area*. June. Page 5.14-34. Website: [https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch\\_05-14-PS.pdf](https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-14-PS.pdf) (accessed April 21, 2022).

<sup>2</sup> 180 condominiums x 0.4841 students = 87.14 students

<sup>3</sup> 87.14 students / 3,971 projected number of additional students at full buildout x 100% = 2.19%

<sup>4</sup> California State Legislature, Legislative Analyst’s Office. 2001. *An Evaluation of the School Facility Fee Affordable Housing Assistance Programs*, January. Website: [http://www.lao.ca.gov/2001/011701\\_school\\_facility\\_fee.html](http://www.lao.ca.gov/2001/011701_school_facility_fee.html) (accessed April 21, 2022).

Per California Government Code, "The payment or satisfaction of a fee, charge, or other requirement levied or imposed ... are hereby deemed to be full and complete mitigation of the impacts ... on the provision of adequate school facilities." The Project Applicant would be required to pay these development fees in accordance with Government Code 65995 and Education Code 17620. Through payment of development fees, impacts related to potential project-generated school-aged children would be nonexistent. As a result, there would be **less than significant** related to school services. Mitigation is not required.

**a.iv) Less than Significant Impact:** Please see the discussion under Section XVI, Recreation, for a discussion and analysis of park and recreation impacts based on implementation of the proposed Project. The proposed Project does not include the development of park/recreational uses on site, nor would it generate significantly more population in the area that may use existing park/recreational facilities. Impacts would be **less than significant** and no mitigation is required.

**a.v) Less than Significant Impact:** The Project has the potential to increase Bloomington's population by 677 persons. Any such population increase would require access to public facilities, including the public libraries. Project residents could elect to use Bloomington's existing library, Bloomington Branch Library, at 18028 Valley Boulevard, approximately 2 miles northwest from the Project site. Accessing these facilities would not be a problem as the projected increase in population would be consistent with planned population growth in the unincorporated Bloomington, as detailed in Section XI, Land Use and Planning, and Section XIV, Population and Housing, above. The minimal increase in population would incrementally increase the need for a number of public services, such as libraries and administrative facilities, as well as those listed above. In the same manner for those facilities, the Project would be required to pay DIFs used to fund capital costs associated with constructing new public facility structures and purchasing equipment for new public facilities, including libraries.

Based on the information and analysis provided above, the potential population increase as a result of the Project would not exceed anticipated population growth in the unincorporated Bloomington or for the site and is not expected to result in the need to construct or expand other public facilities, including libraries. Therefore, impacts would be **less than significant** and mitigation is not required.

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

***SUBSTANTIATION:***

***San Bernardino County. Countywide Plan Draft EIR, Recreation; United States Census Bureau; San Bernardino County-Parks and Recreation Special Districts, Kessler Park; Avila Collection. Tentative Tract Map 20481. Development Plan.***

**a) Less than Significant Impact.** According to the County General Plan EIR, the San Bernardino County Regional Parks Department operates a total of 8,515 acres of regional parks in all four County regions.<sup>1</sup> Based on the per-unit occupancy and number of residential units, the Project has the potential to increase the unincorporated area's population by up to 677 persons residing at the property, which is consistent with the County's population growth estimates.<sup>2, 3</sup>

The closest park includes Kessler Park, 0.7 mile south of the Project site. This park is open to the public and the amenities include several shaded structures, a playground, skatepark, multiple baseball fields, a batting cage and an equestrian arena.<sup>4</sup>

The proposed Project includes the development of 180 multifamily condominium units with one community recreation area and a tot lot. The community recreation area would include a pool, a spa, a clubhouse, shade structures, barbecues, decorative paving, and tubular steel security fencing with gates. The tot lot would include play equipment, picnic tables, and benches for residents. Because the Project includes the development of recreational areas, residents of the Project, once the Project is operational, are anticipated to use on-site facilities. There is a low probability that residents of the proposed Project would visit the nearest park;

<sup>1</sup> San Bernardino County. 2019e. Countywide Plan Draft EIR. Recreation.

<sup>2</sup> United States Census Bureau. n.d. *QuickFacts*, *Bloomington CDP, California*. Website: <https://www.census.gov/quickfacts/fact/table/bloomingtoncdpcalifornia,US/PST045221> (accessed April 21, 2022).

<sup>3</sup> Ibid. 3.76 persons per household x180 condominiums = 676.8 persons

<sup>4</sup> San Bernardino County Special Districts. n.d. Kessler Park. Website: <https://specialdistricts.sbcounty.gov/home/parks-and-recreation/bloomington-rec-park/bloomington-parks/kessler-park/>. (accessed April 21, 2022).



therefore, development of the proposed Project would not result in substantial physical deterioration of Kessler Park to occur or be accelerated.

In addition, the Project would be required to pay applicable development fees to offset impacts from deterioration to parks and recreation facilities in the County. Therefore, development of the Project would not create a significant increase in the use of existing neighborhood, regional parks, or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. Impacts would be **less than significant**, and mitigation is not required.

**b) Less Than Significant Impact.** The following amenities allow for community interaction, socializing, and health<sup>1</sup>.

- Open play areas would accommodate passive play opportunities and small-scale activities. No sport lighting would be permitted.
- Barbecue picnic facilities in designated areas per conceptual landscape plan. Each barbecue picnic facility shall provide a picnic table, freestanding barbecue, hot coal container, and trash container.
- Tot lot play area, including structures and equipment, would be staged to provide for separate age group, but would retain the possibility for interaction.
- Gazebo/shade structure would be implemented into the park area affording a view of the community. This group facility would have picnic benches and trash containers.
- Lighted walking paths throughout the community. This would allow for interaction and health amongst the community.
- Pool area opportunity for interaction, socializing, exercise and community. The pool area would have pool, a wading pool, a spa, a gathering facility, a sitting area with fire pit and benches, trash containers, pool furniture, and a tubular steel security fence around perimeter of the pool area connected by walking paths.

Because the Project is consistent with County's population growth projections, it is not expected to require construction of new or expansion of existing park facilities. However, the Project includes common open space area, one recreation building, a pool, and a tot lot. The common open space area would be a decorative landscaped paseo with meandering natural gray concrete sidewalk, low-maintenance and drought-tolerant accent flowering trees, shrubs, groundcover and decomposed granite. The community recreation area would include a pool, a spa, a clubhouse, shade structures, barbecues, decorative paving, and tubular steel security fencing with gates. The tot lot would include play equipment, picnic tables and benches for residents. The Project site would comply with County's General Plan objectives for recreational areas (Chapter 82.19 Open Space (OS) Overlays and Chapter 89.02 Recreational Facilities Financing) to provide a distinct sense of place to residents while responding to the existing surrounding built environment. Additionally, as discussed above, the Applicant is required to pay applicable development fees to offset impacts from the

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<sup>1</sup> Avila Collection. Tentative Tract Map 20481. Development Plan.

*INITIAL STUDY/MITIGATED NEGATIVE DECLARATION*

LINDEN BLOOMINGTON CONDOMINIUM PROJECT

APNs: 0257-021-28; 0257-031-35; 0257-012-12; AND 0257-021-02

deterioration to parks and recreation facilities in the County in lieu of maintaining the community facilities. As a result, impacts would be **less than significant** and mitigation is not required.



<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XVII. TRANSPORTATION</b> – Would the project:					
a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	Would the project conflict or be inconsistent with <i>CEQA Guidelines</i> section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>SUBSTANTIATION:</b>					
<b><i>LSA Linden Bloomington Condos Trip Generation Analysis and CEQA Assessment Memorandum, 2022.</i></b>					

The discussion and analysis below are based on the *Traffic Study, Linden Bloomington Condos Trip Generation Analysis and CEQA Assessment Memorandum*, prepared by LSA on October 12, 2022. (Appendix H).

**a) Less than Significant Impact.** A project-specific traffic assessment was prepared to assess potential circulation impacts associated with the proposed Project (Appendix H). The San Bernardino County *Transportation Impact Study Guidelines*, dated July 9, 2019, states that a TIS needs to be prepared if a project generates 100 or more trips during any peak hour without consideration of pass-by trips. The project trip generation was developed using rates from the Institute of Transportation Engineers *Trip Generation Manual* (11th Edition) for Land Use 220 – “Multifamily Housing (Low-Rise) Not Close to Rail Transit.” **Table 21, Project Trip Generation**, shows the Project trip generation. As shown in **Table 21**, the Project is anticipated to generate 72 trips in the a.m. peak hour, 92 trips in the p.m. peak hour, and 1,213 daily trips. Because the anticipated number of peak hour trips generated by the proposed Project is lower than the trip threshold (100 peak hour trips) established by the County’s TIS Guidelines, a TIS was not required for the proposed Project.

Within the study area, there are no existing bicycle facilities. However, as per the *San Bernardino County Active Transportation Plan*, adopted September 2020, Class II bicycle lanes are proposed near the Project site on Slover Avenue, Santa Ana Avenue, and Cedar Avenue. As such, the Project would not decrease the performance or safety of any existing or proposed bicycle facility.

**Table 21: Project Trip Generation**

Land Use	Units	A.M. Peak Hour			P.M. Peak Hour			Daily
		In	Out	Total	In	Out	Total	
Linden Bloomington Condos	180 DU							
Trips/Unit		0.10	0.30	0.40	0.32	0.19	0.51	6.74
Trip Generation		15	54	72	58	34	92	1,213

Source: LSA 2022c.

Notes:

Rates based on Land Use 220 - "Multifamily Housing (Low-Rise) Not Close to Rail Transit" from the Institute of Transportation Engineers *Trip Generation Manual*, 11th Edition, Setting/Location - "General Urban/Suburban."

DU = Dwelling Units

The Project does not have a frontage on any street. Therefore, the Project would not affect any existing sidewalks. The Project would provide pedestrian circulation within the Project site that would enhance pedestrian connectivity to existing sidewalks adjacent to the site. As such, the Project would not decrease the performance or safety of any existing or proposed pedestrian facility.

There is no existing or proposed transit service in the study area. As such, the Project would not decrease the performance or safety of any existing or proposed public transit facility.

The Project does not conflict with any existing or proposed bicycle, pedestrian facilities, therefore, it can be considered to conform to all adopted policies, plans, or programs concerning these facilities and would have a **less than significant impact**. No mitigation is required.

**b) Less than Significant Impact.** *State CEQA Guidelines Section 15064.3*, subdivision (b) establishes VMT criteria in lieu of level of service for analyzing transportation impacts and was signed into law as SB 743 in 2013.

Per the County's TIS Guidelines, a project can be screened out from a VMT analysis if it lies in a low VMT generating area based on VMT per person. The San Bernardino County Transportation Authority (SBCTA) VMT Screening Tool was reviewed to determine whether the proposed Project falls under a low-VMT per person zone and can be screened out. Per the County's TIS Guidelines, the proposed Project can be considered to have a less than significant impact if the Project VMT per person is less than 4 percent below the existing VMT per person for the unincorporated County. Based on the evaluation using the SBCTA VMT Screening Tool, it was determined that the proposed Project lies in a low VMT per person generating area. Therefore, the project can be anticipated to have a **less than significant** VMT impact and can be screened out from a VMT analysis. No mitigation is required.

**c) Less Than Significant Impact.** Roadway improvements in and around the Project site would be designed and constructed to satisfy all County requirements for street widths, corner radii, intersection control, as well as incorporate design standards tailored specifically to site access requirements pursuant to design guidelines of Chapter 83.02 (General Development and Use Standards), 83.09 (Infrastructure Improvement Standards), and 84.16 (Multi Family Residential Development Standards) of the County Development Code. Entrances and exits to and from the Project site would be marked with directional signage, and all site access

points and driveway aprons along with the curb, gutter, sidewalk, landscaping, streetlights, and trees along the Project site frontage of J Street, Santa Ana Avenue, Slover Street, and Orchard Avenue are designed and would be constructed to adequate widths for public safety pursuant to the applicable County Development Code.

The County, at final plan check, would ensure that all improvements associated with the Project are consistent with County standards and requirements. Adherence to applicable County requirements would ensure the proposed development would not include any sharp curves or dangerous intersections. Therefore, no substantial increase in hazards due to a design feature would occur. Impacts are **less than significant** and mitigation is not required.

**d) Less Than Significant Impact.**

**Construction.** Construction activities that may temporarily restrict vehicular traffic would be required to implement appropriate measures to facilitate the passage of persons and vehicles through/around any required road closures. Typical County requirements include prior notification of any lane or road closures with sufficient signage before and during any closures, flag crews with radio communication when necessary to coordinate traffic flow, etc. The residential community developer would be required to comply with these requirements, which would maintain emergency access and allow for evacuation if needed during construction activities. Compliance with these requirements would ensure that short-term impacts related to this issue are **less than significant**. Mitigation is not required.

**Operation.** Access to and from the Project site would be along J Street, Santa Ana Avenue, and Slover Street. In addition, an emergency-only access driveway would be provided from Orchard Street. In accordance with the California Fire Code, the Project Applicant is required to design, construct, and maintain structures, roadways, and facilities to maintain appropriate emergency/evacuation access to and from the Project site as codified in Chapter 83.02 (General Development and Use Standards), 83.06 (Fencing, Hedges and Walls), 83.09 (Infrastructure Improvement Standards), 83.11 (Parking and Loading Standards), 83.13 (Sign Regulation) of the County Development Code.

These improvements would be subject to the County Municipal Code sections specified above and would be reviewed by the SBCFPD and SBCSD through the County's general development review process. Proper site design and compliance with standard and emergency County access requirements would allow for evacuation, if necessary, during an emergency. This would ensure that long-term impacts related to this issue are **less than significant**. Mitigation is not required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XVIII. TRIBAL CULTURAL RESOURCES</b>				

- 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:***

***San Bernardino Countywide Plan 2020; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials, AB 52 Consultation Record***

**a) and b) Less than Significant Impact with Mitigation Incorporated.** The term “California Native American tribe” is defined as “a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission (NAHC).”

Signed into law in September 2004, and effective March 1, 2005, SB 18 permits California Native American tribes recognized by the NAHC to hold conservation easements on terms mutually satisfactory to the tribe and the landowner. The term “California Native American tribe” is defined as “a federally recognized California Native American tribe or a non-federally

recognized California Native American tribe that is on the contact list maintained by the NAHC.” The bill requires a city or county to consult with California Native American tribes for the purpose of preserving specified places, features, and objects located prior to the adoption or amendment of a General Plan or Specific Plan. This bill requires the planning agency to refer to the California Native American tribes specified by the NAHC and to provide them with opportunities for involvement.

Chapter 532, Statutes of 2014 (i.e., Assembly Bill 52 or AB 52), requires Lead Agencies evaluate a Project’s potential to impact “tribal cultural resources.” Such resources include “[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources.” AB 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource qualifies as a “tribal cultural resource.”

CEQA defines a “historical resource” as a resource that meets one or more of the following criteria: (1) is listed in, or determined eligible for listing in, the California Register of Historical Resources (California Register), (2) is listed in a local register of historical resources as defined in PRC §5020.1(k), (3) is identified as significant in a historical resource survey meeting the requirements of PRC §5024.1(g), or (4) is determined to be a historical resource by a Project’s Lead Agency (PRC §21084.1 and *State CEQA Guidelines* §15064.5[a]).

“Local register of historical resources” means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.

A resource may be listed as a historical resource in the California Register if it meets any of the following National Register criteria as defined in PRC §5024.1(C):

- a. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- b. Is associated with the lives of persons important in our past.
- c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- d. Has yielded, or may be likely to yield, information important in prehistory or history.

A “substantial adverse change” to a historical resource, according to PRC §5020.1(q), “means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired.”

The *State CEQA Guidelines* do not preclude identification of historical resources as defined in Public Resources Code Sections 5020.1(j) or 5024.1. Pursuant to *State CEQA Guidelines* Section 15064.5[c][4], if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect

on it are noted in the Initial Study, but they need not be considered further in the CEQA process.<sup>1</sup>

Per SB 18 and AB 52 (specifically California Public Resources Code 21080.3.1), Native American consultation is required upon request by interested California Native American tribes that have previously requested that the County provide them with notice of such Projects. The County disseminated notices of the Proposed Project to interested California Native American tribes on September 1, 2022. The following tribes were included in the Project notification and opportunity to consult letters pursuant to AB 52: Twenty-Nine Palms Band of Mission Indians, Gabrieleno Band of Mission Indians-Kizh Nation, Morongo Band of Mission Indians, San Gabriel Band of Mission Indians, and Yuhaaviatam of San Manuel Nation formerly known as (San Manuel Band of Mission Indians). Formal consultation was requested by the Gabrieleno tribe and took place on November 3, 2022. The Yuhaaviatam of San Manuel tribe did not request consultation; however, they did provide recommended Cultural as well as Tribal mitigation measures to be included in this document. The Gabrieleno-Kizh Nation also provided mitigation/monitoring measures as a result of formal consultation which are included in the appropriate sections of this document. No other tribe responded to the project notice and opportunity to consult. Mitigation measures are provided below.

**MM TCR-1:** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

**MM TCR-2:** Any and all archaeological/cultural documents created as part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

**MM TCR-3:** 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

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<sup>1</sup> Pursuant to Section 21082.3(c) of the Public Resources Code, details on the nature, extent, and location of Tribal Cultural Resources identified by Native American Tribes shall remain confidential for the purposes of this analysis.

as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

- b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- c. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.
- d. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.
- e. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

**MM TCR-4:** Unanticipated Discovery of Human Remains and Associated Funerary Objects:

- a. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
- b. If Native American human remains and/or grave goods discovered or recognized on the project site, then all construction activities shall

immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.

- c. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- d. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)
- e. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.
- f. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

**MM TCR-5:** Procedures for Burials and Funerary Remains:

- a. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.
- b. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created.
- c. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are



reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials

- d. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.
- e. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects.
- f. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.
- g. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

Construction of the Project is not expected to cause a substantial adverse change to the significance of any historical resource. It is possible that previously unknown buried archaeological resources could be identified during Project construction. Therefore, **MM CUL-1 CUL-2 and CUL-3** is proposed in the event that prehistoric or historic archaeological resources (e.g., bottles, foundations, refuse dumps, or artifacts) are unearthed during ground-disturbing activities to require the contractor to halt or redirect ground-disturbing activities away from the vicinity of the find until the find can be evaluated by a qualified archaeologist.

*INITIAL STUDY/MITIGATED NEGATIVE DECLARATION*

LINDEN BLOOMINGTON CONDOMINIUM PROJECT

APNs: 0257-021-28; 0257-031-35; 0257-012-12; AND 0257-021-02

With implementation of **MM TCR-1 thru TCR-5, MM CUL-1, CUL-2 and CUL-3**, the proposed Project would have a **less than significant impact** on tribal cultural resources, as defined in Public Resources Code Section 21074.

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

***SUBSTANTIATION:***

***West Valley Water District, 2020 Integrated Regional Urban Water Management Plan, Upper Santa Ana River Watershed; San Bernardino County. Countywide Plan Draft EIR, Utilities and Service Systems; California Department of Resources Recycling and Recovery (CalRecycle); Project-Specific Water Quality Management Plan.***

**a) Less than Significant Impact with Mitigation Incorporated.** Construction and expansion of water, drainage, electric, gas, and telecommunication facilities is described in the Project description. The proposed residential facility would interconnect to existing utilities where available along the Linden Avenue and Orchard Street. The Project consists of an on-site water quality facility that would capture and routes stormwater to an underground system that would clean the stormwater before discharging it to the municipal water system. Water quality is monitored by the RWCQB and the County to ensure compliance with water quality

standards. The existing drainage pattern would be maintained and address the additional needs at the Project site.

In addition, the Project would equip residential units with the most energy-efficient development and retrofits that not only promote the energy-efficient development in Bloomington, but also meet the State energy-efficiency goals. This would enable the new community to conform to the CBC Title 24 energy standard. The Project would incorporate modern telecommunication technology for internet access, phone, and television.

The approval of drainage features and other utility improvements takes place through the County's building plan check process. As part of this process, all Project-related drainage features and utility infrastructure would be required to comply with the County Development Code (Chapter 83.09 Infrastructure Improvement Standards and Chapter 84.16 Multi Family Residential Development Standards) and Santa Ana RWQCB standards. On-site Project-related drainage features would be designed, installed, and maintained pursuant to City MS4 standards and the requirements identified in the Final WQMP, as detailed in **MM HYD-3**.

All proposed improvements and interconnection to drainage, electric power, water, and wastewater facilities would be installed simultaneously with finish grading activities and required Project frontage improvements (curb, gutter, sidewalk, landscaping, streetlights, and trees) along Linden Avenue, Santa Ana Avenue, Slover Street, and Orchard Street. The areas of potential impact from drainage and utility infrastructure improvements are included in the analytical footprint of this Initial Study and associated technical studies, and impacts are mitigated where necessary to less than significant levels.

As a result, interconnection to the existing utilities in the Project vicinity would not result in substantial disturbance to native habitat or soils, or to the operation of existing roadways and utilities. There would be no significant environmental effects specifically related to the installation of utility interconnections that are not encompassed within the Project's construction and operational footprints, and therefore already identified, disclosed, and subject to all applicable mitigation measures, as well as local, State, and federal regulations, and standards established by serving utility companies. Therefore, impacts related to relocation of utilities would be reduced to **less than significant with mitigation incorporated**.

**b) Less than Significant Impact.** As detailed in Section X (Threshold B), the WVWD would supply water to the Project site via groundwater supplies from five regional groundwater basins, Bunker Hill and Lytle Creek (which are both part of the San Bernardino Basin or SBB), Rialto-Colton, Riverside North, and Chino Basins. The Riverside North Basin is the main source of water for Bloomington.

According to the WVWD UWMP, WVWD's normal year comparison indicates that it has adequate capacity to serve its service region.<sup>1</sup> WVWD's demands in single dry years are assumed to increase by 10 percent above normal year demands for single and multiple dry years. The local groundwater basins that WVWD produces water from have storage for use in dry years so WVWD can produce the volume of water needed to meet 100 percent of

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<sup>1</sup> West Valley Water District. 2020b. *2020 Integrated Regional Urban Water Management Plan. Upper Santa Ana River Watershed. Part 2: Local Agency UWMPs*. Page 10-22. Website: <https://www.sbvwmwd.com/home/showpublisheddocument/9232/637614632546570000> (accessed April 21, 2022).

demands in single and multiple dry years. WVWD's supplies are therefore 100 percent reliable during single and multiple dry years up to 2045.<sup>1</sup>

If the Project site were developed with the current General Plan designation of Medium Density Residential (MDR), a development Project of 620,730 square feet<sup>2</sup> of residential services is estimated to generate 677 residents.<sup>3</sup> Based on a rate of 232 GPCD, development of the site under the existing MDR land use would use 157,064 gallons per day<sup>4</sup> or 175.88 AFY. However, using the actual GPCD of 201 would result in even less demand from the Project, as it would result in 136,077 gallons per day or 152.38 AFY, which is lower than the formerly calculated residential water demand.<sup>5</sup> Because the Project is anticipated to generate less water demand under the proposed residential land use (up to 23.5 AFY), the amount of water available for the Project is sufficient for normal, single-dry, and multiple-dry years up to 2045. Because planned supplies are sufficient, impacts would be **less than significant**, and mitigation is not required

**c) Less Than Significant Impact.** The Project site is within the WVWD.<sup>6</sup> Since the Project site is on the westernmost part of the County, the Project site is included in the WVWD Integrated Regional Urban Water Management Plan (IRUWMP). The IRUWMP provides regional water sources and management, regional water use, and water managements goals, objectives, and strategies.

In terms of baseline and targets for water usage, the State has adopted SBX7-7, also known as the Water Conservation Act of 2009. The WVWD targets were developed in terms of GPCD, which is calculated by dividing the total water from all customer categories by the population.<sup>7</sup>

The IRUWMP Supporting Information indicates the year 2020 target GPCD is 232 and actual GPCD is 201. Using the more conservative GPCD of 232 as a target, it can be concluded that the WVWD achieved its target reduction by 31 GPD. Also, application of Title 24/California Building Code would ensure GPCD demand remains below the target.<sup>8</sup>

With groundwater, the WVWD relies on its wells for the majority of its water supply. Bunker Hill and Lytle Creek (both part of the SBB), Rialto-Colton, Riverside North, and Chino basins are among the five regional groundwater basins from which WVWD can draw groundwater. Each of the five basins have been decided upon and are being managed for long-term viability.<sup>9</sup> Additionally, the quantity of groundwater WVWD may generate from the SBB is not

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<sup>1</sup> West Valley Water District. 2020b. *2020 Integrated Regional Urban Water Management Plan. Upper Santa Ana River Watershed. Part 2: Local Agency UWMPs.* Pages 10-27 to 10-28.

<sup>2</sup> 14.25 acres x 43,560 square feet per acre = 620,730 square feet.

<sup>3</sup> 3.76 persons per household x 180 units = 677 residents

<sup>4</sup> 232 gallons per person per day x 677 persons = 157,064 gallons per day ÷ 893= 175.88 acre-feet per year.

<sup>5</sup> 201 gallons per person per day x 677 persons = 136,077 gallons per day ÷ 893= 152.38 acre-feet per year.

<sup>6</sup> West Valley Water District. Boundary Map (Accessed April 8, 2022) [Map-of-West-Valley-Water-District-Boundaries \(yourrialto.com\)](#) (Accessed April 21, 2022).

<sup>7</sup> West Valley Water District. 2020b. *2020 Integrated Regional Urban Water Management Plan. Upper Santa Ana River Watershed. Part 2: Local Agency UWMPs.* Page 10-13..

<sup>8</sup> West Valley Water District. 2020c. IRUWMP Part 4. Appendix J. Page SB X7-9. Website: [WVWD-Part-4-UWMP-Supporting-Information.pdf \(secureservercdn.net\)](#) (accessed April 21, 2022).

<sup>9</sup> West Valley Water District. 2020b. *2020 Integrated Regional Urban Water Management Plan. Upper Santa Ana River Watershed. Part 2: Local Agency UWMPs.* Page 10-15..

regulated by the Western-San Bernardino Judgement as long as the water is used within the WVWD limits, according to WVWD's rights from the SBB.<sup>1</sup>

WVWD has a total water right allocation in the Rialto Basin of 6,104 AFY, including 510 AFY that are fixed rights and 5,594 AFY that are adjustable and subject to a percentage reduction each year based on groundwater levels in the index wells. The percentage reduction has ranged from 7 percent in 2010 to 29 percent in 2020.<sup>2</sup>

To address potential water contaminants, the Project is required to comply with applicable federal, State, and local water quality regulations. The demand for water, wastewater, storm drainage and utility capacity would not result in the development of off-site features or facilities that would cause or contribute to an environmental impact. Impacts would be **less than significant** and, therefore, no mitigation is required.

**d) Less than Significant Impact.** Solid waste collection is a “demand-responsive” service, and current service levels can be expanded and funded through user fees. Solid waste from the proposed Project would be hauled by EDCO Disposal Services that provide trash and recycling services.<sup>3</sup> Solid waste generated by the proposed on-site uses would be collected and processed by EDCO Disposal Services, after which non-recyclable material would be sent to either Mid-Valley or San Timoteo Sanitary Landfills that serve the Valley Region.<sup>4</sup>

Mid-Valley Landfill has a daily throughput of 7,500 tons or 27,777.8 cubic yards, with a remaining capacity of 61,219,377 cubic yards.<sup>5</sup> Based on a generation rate of 6.7 pounds of solid waste per person per day,<sup>6</sup> the Project would generate 4,534.56 pounds of solid waste per day.<sup>7</sup> This amount is equivalent to as much as 0.03 percent of the daily throughput at Mid-Valley Landfill.<sup>8</sup> The Mid-Valley Landfill has adequate capacity to serve the proposed Project.

San Timoteo Landfill has a daily throughput of 2,000 tons or 1,428.6 cubic yards with a remaining capacity of 12,360,396 cubic yards.<sup>9</sup> Based on a generation rate of 6.7 pounds of solid waste per person per day, the Project would generate 4,534.56 pounds of solid waste per day. This amount is equivalent to as much as 0.11 percent of the daily throughput at Mid-

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<sup>1</sup> West Valley Water District. 2020b. *2020 Integrated Regional Urban Water Management Plan. Upper Santa Ana River Watershed. Part 2: Local Agency UWMPs*. Page 10-15.

<sup>2</sup> Ibid. Page 10-16.

<sup>3</sup> San Bernardino County. 2019f. Countywide Plan Draft EIR. Utilities and Service Systems. Table 5.18-8 Solid Waste Haulers Serving Unincorporated San Bernardino County. Page 5.18-53. Website: [https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch\\_05-18-USS.pdf](https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-18-USS.pdf) (accessed April 21, 2022).

<sup>4</sup> San Bernardino County. 2019g. Table 5.18-9 Landfill Capacity: Landfills Serving Unincorporated San Bernardino County. Page 5.18-54. Website: [https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch\\_05-18-USS.pdf](https://countywideplan.com/wp-content/uploads/sites/68/2021/01/Ch_05-18-USS.pdf) (accessed April 21, 2022).

<sup>5</sup> California Department of Resources Recycling and Recovery (CalRecycle). n.d.-a. *Facility/Site Summary Details: Mid-Valley Sanitary Landfill*. Website: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1880?siteID=2662> (accessed February 22, 2022).

<sup>6</sup> CalRecycle. 2020. California's 2019 Per Capita Disposal Rate Estimate. Website: <https://www.calrecycle.ca.gov/lgcentral/goalmeasure/disposalrate/mostrecent> (accessed April 21, 2022).

<sup>7</sup> 6.7 pounds per resident per day × 3.76 persons per household × 180 homes = 4,534.56 pounds of solid waste per day.

<sup>8</sup> 4,534.56 pounds of solid waste per day ÷ 2,000 lbs/ton = 2.26 tons day ÷ 7,500 tons/day throughput × 100% = 0.03 percent.

<sup>9</sup> CalRecycle. n.d.-b. *Facility/Site Summary Details: San Timoteo Sanitary Landfill*. Website: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1906?siteID=2688> (accessed April 21, 2022).

Valley Landfill.<sup>1</sup> The San Timoteo Landfill has adequate capacity to serve the proposed Project.

As adequate daily surplus capacity exists at the receiving landfill, and the Project would comply with local and State waste reduction strategies, the Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure. Impacts would be **less than significant**, and mitigation is not required.

**e) Less Than Significant Impact.** Residential projects generate different types of household solid waste including organic and biodegradable food waste, recyclable waste such as paper and plastics, electronic waste from tech items, etc. In this case, a strong focus on reducing, reusing, and recycling waste per household is all that is needed to mitigate this problem. The homeowners association for the Project would be required to provide educational information on recycling to all homeowners as part of the initial purchase of homes and again thereafter on an annual basis. The solid waste purveyor, EDCO Disposal Services would collect solid waste from the site and transfer it to the materials recovery facility (MRF). The MRF would sort the solid waste into recyclable and non-recyclable waste and would transfer the non-recyclable waste to Mid-Valley Sanitary Landfill for disposal. All development within the County, including the proposed Project, is required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other local, State, and federal solid waste disposal standards. Therefore, the proposed Project would not conflict with applicable federal, State, and local statutes and regulations related to solid waste. Impacts would be **less than significant** and no mitigation is required.

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<sup>1</sup>  $4,534.56 \text{ pounds of solid waste per day} \div 2,000 \text{ lbs/ton} = 2.26 \text{ tons day} \div 2,000 \text{ tons/day throughput} \times 100\% = 0.11 \text{ percent.}$

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XX. WILDFIRE:</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>

***SUBSTANTIATION:***

***San Bernardino County, Multi-Jurisdictional Hazard Mitigation Plan (2017); San Bernardino County, 2007 General Plan, Safety Element.***

**a) No Impact.** The Project site is not within a wildfire State Responsibility Area, nor is the site classified as a VHFHSZ.<sup>1</sup> The nearest VHFHSZ is approximately 3 miles south of the site on Sandra Drive. The Project is in an area that is developed with local roads and regional highways (Interstate 10 [San Bernardino Freeway] to the north) that provide adequate access and departure from the area in the event of an emergency. The Project would be designed to comply with the current California Fire Code standards for residential development, San Bernardino County Development Code Standards, and standards as set forth by the SBCFPD. Adequate emergency access points (three) also are included in the design of the Project. Therefore, the proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan within a VHFHSZ; therefore, **no impact** related to this issue would occur and not mitigation is required.

<sup>1</sup> CAL FIRE. n.d.-a. Fire and Resources Assessment Program. Fire Hazard Severity Zone Viewer. Website: <https://egis.fire.ca.gov/FHSZ/> (accessed April 21, 2022).



**b) Less than Significant Impact.** As described above, the proposed Project is not within or near a State Responsibility Area, nor is the land classified as a VHFHSZ. San Bernardino County is subject to seasonal wind events including times during the fall when Santa Ana Wind conditions are prevalent. Santa Ana Wind conditions in the area of the proposed Project typically blow from a northeast to southwest direction (an offshore flow). Wildfires have been recorded in such Santa Ana Wind events, sometimes leading to uncontrolled spread of wildfires. CAL FIRE and the SBCFPD have taken these conditions and the locations of Fire Hazard Severity Zones into consideration when determining potential impacts associated with wildfire spread. The Project site is relatively flat, lacks slopes, and is surrounded by urban uses. The absence of open, undeveloped areas or vegetated hillsides in the Project vicinity significantly lowers the potential exposure of the site to wildland fires. The County and SBCFPD have procedures in place to respond to such an emergency and evacuate residents and employees as needed in case of emergency.<sup>1,2</sup>

Wind events can also result in smoke drift from nearby wildfires resulting in smoke settling in low-lying areas. Although Bloomington is in the Valley Region of San Bernardino County and is surrounded by Fontana, Rialto and Jurupa Valley, the potential for smoke settlement from nearby wildfires is a possibility. Such smoke settlement would be temporary and would more than likely clear out within a couple days of when settlement commenced (based on weather conditions).

Due to the Project's location and adjacency of developed uses, implementation of the proposed Project would have a low probability of exposing occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope or prevailing winds; therefore, Impacts would be **less than significant**, and no mitigation is required.

**c) No Impact.** As described above, the proposed Project is not within or near a wildfire State Responsibility Area, nor is the land classified as a VHFHSZ. The Project includes development of residential units and ancillary features. In the absence of any significant potential for on-site or adjacent wildfire hazard, the Project would not need to incorporate fire protection infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other non-existing utilities) that may themselves exacerbate fire risk. **No impact** related to this issue would result from development of the Project; therefore, no mitigation is required.

**d) No Impact.** As described above, the proposed Project is not located within or near a wildfire State Responsibility Area, nor is the land classified as a VHFHSZ. According to the County's Multi-Jurisdictional Hazard Mitigation Plan, the Project site is not located in flood hazard or inundation zones,<sup>3</sup> and the site is not located near bodies of water or enclosed water storage features that could result in tsunamis or seiches. The Project site and adjacent areas are relatively flat. No hillsides are within the Project area. Due to the absence of hills in the area, development of the Project would not expose persons or property to post-fire slope instability

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<sup>1</sup> San Bernardino County. 2017. Multi-Jurisdictional Hazard Mitigation Plan. Approved July 13, 2017. Page 186-188. Website: <https://www.sbcounty.gov/uploads/SBCFire/documents/EmergencyServices/Hazard-Mitigation-Plan.pdf> (accessed April 21, 2022).

<sup>2</sup> San Bernardino County. 2007. General Plan Safety Element. Effective April 12, 2007. Page VIII-13-VIII-16. Website: <http://www.sbcounty.gov/Uploads/lus/GeneralPlan/FINALGP.pdf> (accessed April 21, 2022).

<sup>3</sup> San Bernardino County. 2017. Multi-Jurisdictional Hazard Mitigation Plan. Figure 4-10: Flood Hazard Severity Zone Map. Page 87.

*INITIAL STUDY/MITIGATED NEGATIVE DECLARATION*

LINDEN BLOOMINGTON CONDOMINIUM PROJECT

APNs: 0257-021-28; 0257-031-35; 0257-012-12; AND 0257-021-02

or post-fire drainage changes. **No impact** related to these issues would result from implementation of the Project; therefore, no mitigation is required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE:</b>				

- |    |   |                          |                                     |                                     |                          |
|----|---|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) | Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)   | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" 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) Less than Significant Impact with Mitigation Incorporated.** This Initial Study analyzes the proposed Project's impacts to biological resources and cultural resources, and all direct, indirect, and cumulative impacts were determined to have no impact, a less than significant impact, or reduced to a less than significant impact with implementation of mitigation. No endangered or threatened species were identified on the Project site. Development of the proposed Project would not cause fish or wildlife populations to drop below self-sustaining levels or restrict the movement/distribution of a rare or endangered species. The proposed Project would not affect any threatened or endangered species or associated habitat. Potential impacts to burrowing owl and migratory/nesting birds would be mitigated to less than significant levels with implementation of **MMs BIO-1, BIO-2, and BIO-3.**

Development of the proposed Project would not affect known historic, archaeological, or paleontological resources. There are no known unique ethnic or cultural values associated with the Project site, nor are known religious or sacred uses associated with the Project site. **MMs CUL-1, CUL-2, CUL-3, TCR-1, and TCR-2** have been identified to confirm the presence or absence of subsurface cultural or tribal cultural resources and/or human remains on the Project site and the proposed Project would be conditioned to cease excavation or

construction activities if cultural resources are identified during Project execution pursuant to applicable regulatory policies. Potential impacts to historical and archaeological resources would be reduced to less than significant with implementation of mitigation.

**b) Less than Significant Impact.** The proposed Project has either no impact, a less than significant impact, or a less than significant impact with mitigation incorporated with respect to all environmental issues pursuant to CEQA. Due to the limited scope of direct physical impacts to the environment associated with the proposed Project, the Project's impacts are primarily project-specific in nature.

The proposed Project site is within an area that has been designated by the County for residential use. The proposed Project would not exceed significance thresholds for air-quality impacts during short-term construction-related activities or for the operational lifetime of the Project. As such, standard conditions and/or mitigation measures to reduce air quality impacts are not warranted. Construction and operational noise would not exceed County thresholds; therefore, no standard conditions or mitigation measures are warranted.

**c) Less than Significant Impact.** The South Coast Air Basin is currently designated as a non-attainment area for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. Development of the Project would contribute to air pollutant emissions on a short-term basis. The proposed Project is required to comply with applicable SCAQMD Rules and California Code of Regulations. The proposed Project would not exceed significance thresholds for air quality impacts during short-term construction-related activities or for the operational lifetime of the Project. As such, standard conditions and/or mitigation measures to reduce air quality impacts are not warranted.

Like all of Southern California, the Project site could be subject to strong ground shaking resulting from large earthquakes. Proper engineering design and construction in conformance with the 2019 CBC standards and project-specific geotechnical recommendations (**MM GEO-1**) would ensure that impacts from strong seismic ground shaking and unstable soils would be **less than significant**.

## **GENERAL REFERENCES**

- California Department of Conservation. 2017. *State of California Williamson Act Contract Map*. Website: [California Department of Conservation Williamson Map 2016.pdf \(lacity.org\)](http://lacity.org/California%20Department%20of%20Conservation%20Williamson%20Map%202016.pdf) (accessed April 20, 2022).
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- California Department of Conservation, Division of Land Resource Protection. n.d. San Bernardino County 2014-2016 Land Use Conversion. Table A-28. Website: <https://www.conservation.ca.gov/dlrp/fmmp/Pages/SanBernardino.aspx> (accessed April 21, 2022).
- California Department of Education. California School Dashboard. n.d.-a. *Walter Zimmerman Elementary School*. <https://www.caschooldashboard.org/reports/36676866035729/2021> (accessed February 15, 2022).
- \_\_\_\_\_. n.d.-b. *Ruth O. Harris Middle School*. <https://www.caschooldashboard.org/reports/36676866111108/2021> (accessed February 15, 2022).
- \_\_\_\_\_. n.d.-c. *Bloomington Valley High School*. <https://www.caschooldashboard.org/reports/36676863631322/2021> (accessed February 15, 2022).
- California Department of Resources Recycling and Recovery (CalRecycle). 2020. California's 2019 Per Capita Disposal Rate Estimate. December 15. Website: <https://www.calrecycle.ca.gov/lgcentral/goalmeasure/disposalrate/mostrecent> (accessed February 22, 2022).
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# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**PROPOSAL NO.: LAFCO SC#532**

**HEARING DATE: NOVEMBER 20, 2024**

## **RESOLUTION NO. 3409**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#532 - CITY OF RIALTO EXTRATERRITORIAL WASTEWATER SERVICE AGREEMENT (Avila Collection, 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 November 20, 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/or written comments in support or opposition; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the contract, in evidence presented at the hearing;

## RESOLUTION NO. 3409

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

### **DETERMINATIONS:**

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

1. The project area, Assessor Parcel Numbers 0257-012-12, 0257-021-02, 0257-021-28, and 0257-031-35, is within the sphere of influence assigned to the City of Rialto and is anticipated to become a part of that City sometime in the future.

The project will receive water service from the West Valley Water District.

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

2. The City of Rialto Extraterritorial Wastewater Service Agreement between the City of Rialto and Avila Collection, LLC being considered is for the provision of sewer service to Assessor Parcel Numbers 0257-012-12, 0257-021-02, 0257-021-28, and 0257-031-35. 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 parcels are identified as totaling \$604,535.11. In addition, the property owner/developer will be responsible for the entire cost for the construction and installation of 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 181-unit multifamily condominium community on the 12.6-acre project area—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 find 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 adequate for its use as CEQA Responsible Agency. The Commission further finds that it does not intend to adopt alternatives or additional mitigation measures for the project and that all mitigation

## RESOLUTION NO. 3409

measures are the responsibility and jurisdiction of the County and/or others, not the Commission, 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.

**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 Numbers 0257-012-12, 0257-021-02, 0257-021-28, and 0257-031-35.

**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#532 - City of Rialto Extraterritorial Wastewater Service Agreement (Avila Collection, 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 special meeting of November 20, 2024.**


**DATED:**

**SAMUEL MARTINEZ**  
Executive Officer

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** NOVEMBER 13, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #7: LAFCO 3270 - Annexation to the Cucamonga Valley Water District (Southeastern Sphere of Influence)

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**INITIATED BY:**

Resolution of the Cucamonga Valley Water District

**RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO 3270 by taking the following actions:

1. For environmental review, certify that LAFCO 3270 is exempt from the provisions of the California Environmental Quality Act and direct the Executive Officer to file the Notice of Exemption within five (5) days;
2. Approve LAFCO 3270, with the standard LAFCO terms and conditions that include the "hold harmless" clause for potential litigation costs by the applicant and the continuation of fees, charges, and/or assessments currently authorized by the annexing agency; and,
3. Adopt LAFCO Resolution No. 3410, setting forth the Commission's determinations and conditions of approval concerning this reorganization proposal.

**BACKGROUND INFORMATION:**

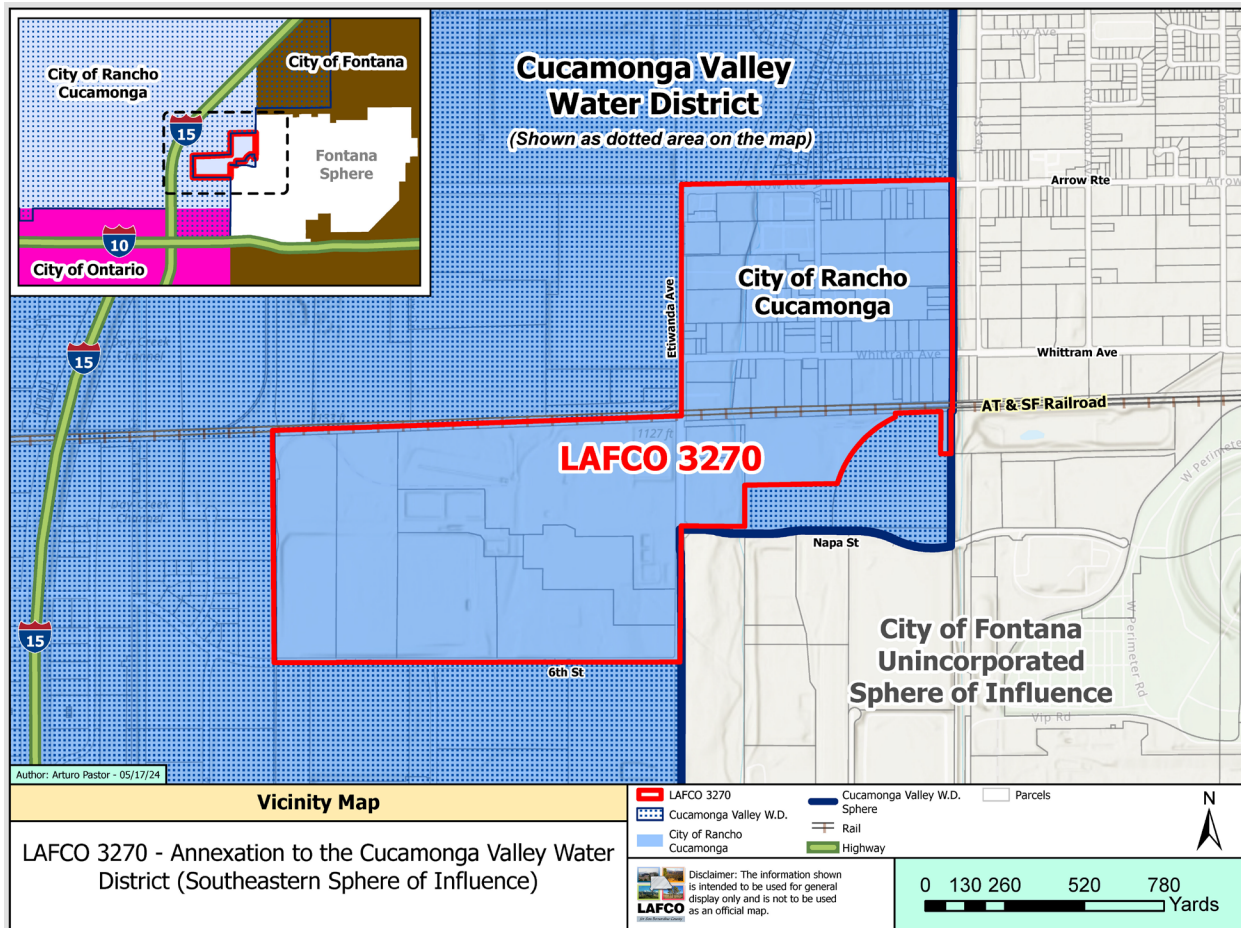
LAFCO 3270 is a proposal initiated by the Cucamonga Valley Water District (hereafter the District) requesting annexation of the remainder of its southern sphere of influence. The rationale for the annexation request is based on current and future development in the area that will require water and/or sewer service from the District. In addition, as the water and/or sewer service provider for the Rancho Cucamonga community, the annexation of the



District's remaining southern sphere of influence will match its boundary with that of the City of Rancho Cucamonga.

## LOCATION

The proposed annexation area encompasses approximately 383.5 acres located entirely within the City of Rancho Cucamonga and is located east and west of Etiwanda Avenue generally north of 6th Street and south of Arrow Route. Below is a vicinity map of the annexation area (outlined in red). Included as Attachment #1 to this report is the vicinity map and official annexation map.



Vicinity Map

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

## **AREAS OF CONSIDERATION**

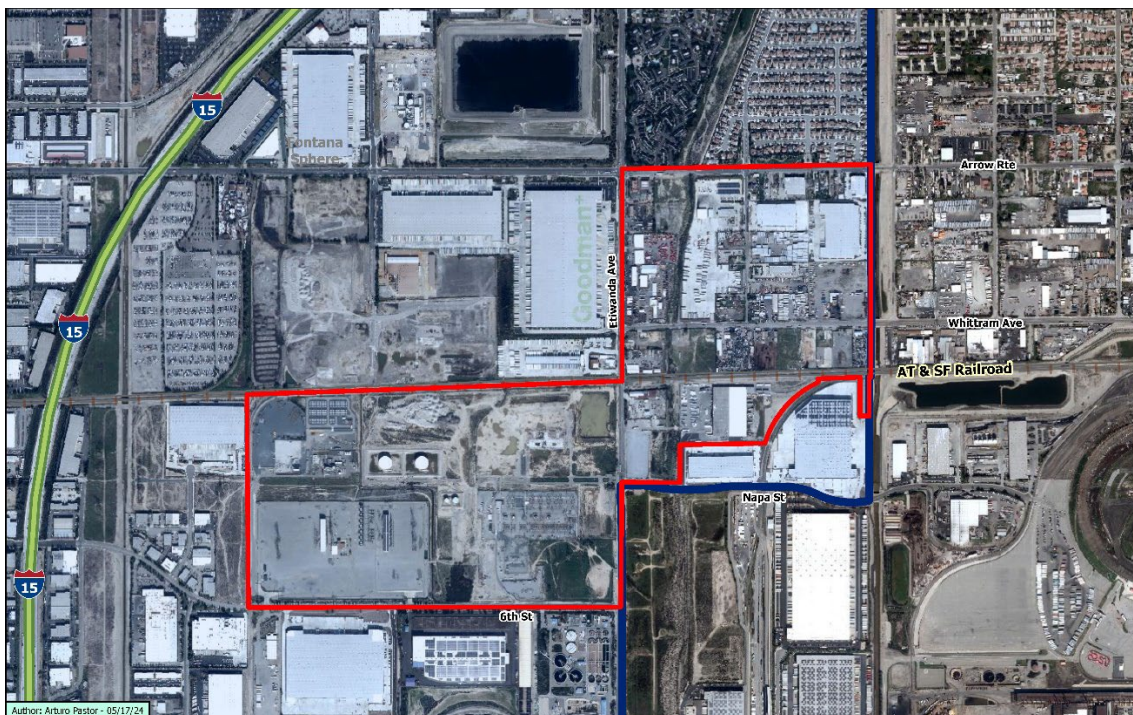
### **1. BOUNDARIES:**

The area is bounded by a combination of Hickory Avenue and parcel lines on the east, a combination of Etiwanda Avenue, 6th Street, and parcel lines (portion of existing District boundary) on the south, parcel lines (existing District boundary) on the west, and a combination of the Metrolink Railroad, Etiwanda Avenue, and Arrow Route (existing District boundary) on the north. The annexation area includes the remaining area of the District's southern sphere of influence that is not within its boundary. The inclusion of the area matches the District's boundary with that of the City of Rancho Cucamonga, which is the water and/or sewer service provider for the community.

LAFCO 3270 has no boundary concern. It is staff's position that this annexation proposal provides for a logical boundary since it annexes the remainder of the District's southern sphere of influence into its boundary. In addition, the District's boundary in the area now matches the community agencies serving the area.

### **2. LAND USE:**

The annexation area is a mix of vacant lands and mostly light industrial uses, with some existing residential development. The decommissioned electric power generating station within the annexation area is being developed as Phase 2 of the Etiwanda Commerce Center encompassing five (5) industrial (logistics) facilities.



Aerial Map



The City of Rancho Cucamonga's current General Plan land use designation for the annexation area are: Neighborhood Center (Commercial), Neo-Industrial Employment District, and Industrial Employment District.

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

### **3. SERVICE ISSUES AND EFFECTS ON OTHER LOCAL GOVERNMENTS:**

In every consideration for jurisdictional change, the Commission is required to look at the existing and proposed service providers within an area. The service providers within the entire annexation area include the City of Rancho Cucamonga, Rancho Cucamonga Fire Protection District (City subsidiary district – providing fire protection and emergency medical response services), West Valley Mosquito and Vector Control District, Inland Empire Utilities Agency (wastewater treatment provider), Metropolitan Water District of Southern California (State Water Contractor), and the Inland Empire Resource Conservation District. The Fontana Water Company, a private water company that provides retail water service overlays the portion of the annexation area east of Etiwanda Avenue.

#### **A. Plan for Service**

The application includes a plan for the extension of services for the annexation area as required by law and Commission policy (included as part of Attachment #2 to this report). As required by Commission policy and State law, the Plan for Service shows that the extension of the District's services will maintain, and/or exceed, current service levels.

##### **Water**

The District provides potable water and recycled water service within its boundaries. Upon annexation, the portion of the annexation area west of Etiwanda Avenue will receive water service from the District. As noted previously, the portion of the annexation area east of Etiwanda Avenue is already within the service area for Fontana Water Company (FWC), a private water company. Therefore, said area east of Etiwanda Avenue will continue to receive water service from FWC.

In addition, the annexation area is also within the boundaries of Inland Empire Utilities Agency (IEUA), an agency that provides wholesale water service within the western San Bernardino Valley area. IEUA is a member agency of the Metropolitan Water District of Southern California, the State Water Contractor for the region.

##### **Wastewater**

The District provides wastewater collection within its boundaries and wastewater treatment is the responsibility of IEUA. Treatment of wastewater will be conveyed to

IEUA's Regional Plant No. 4 (RP-4), which is the nearest regional plant to the annexation area. RP-4 currently treats an average flow of 10 MGD of wastewater and it has a treatment capacity of 14 MGD.

## **B. Fiscal Impact Analysis**

The Plan for Service includes a Fiscal Impact Analysis that indicates that there will be a net zero impact to the District's General Fund since properties will pay the prevailing water and wastewater service rates for its water and/or wastewater service. In addition, developers will be required to pay development impact fees (i.e. water capacity fee, sewer capacity fee, etc.), which are one-time fees to fund a project's fair share of infrastructure and capital needs.

## **4. ENVIRONMENTAL:**

As the CEQA lead agency, the Commission's Environmental Consultant, Tom Dodson from Tom Dodson and Associates, has indicated that the review of LAFCO 3270 is exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the annexation to the District has no potential to cause a significant adverse impact on the environment. Therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3). Staff recommends that the Commission adopt the "Common Sense" Exemption for this proposal. A copy of Mr. Dodson's analysis is included as Attachment #3 to this report.

## **CONCLUSION:**

LAFCO 3270 is currently not within the District's boundary and there are a number parcels that are either being developed or proposed to be developed that require water and/or sewer service from the District; therefore, annexation to the District is required. In addition, the District is annexing the remainder of its southern sphere of influence to match the agencies serving the Rancho Cucamonga community. For these reasons, and those outlined throughout the staff report, staff supports the approval of LAFCO 3270.

## **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 County Registrar of Voters has determined that the annexation area is legally inhabited, containing 33 registered voters as of October 16, 2024.
2. The County Assessor has determined that the total assessed value of land and improvements within the annexation area are as follows:

Land:	\$ 194,177,240
<u>Improvements:</u>	<u>\$ 85,547,718</u>
Total:	\$ 279,724,958

3. The annexation area is within the sphere of influence assigned the Cucamonga Valley Water District.
4. Legal notice of the Commission's consideration of the proposal has been provided through publication of a 1/8th page legal advertisement in *The Sun*, a newspaper of general circulation in the area. As required by State law, individual notices were provided to all affected and interested agencies, County departments, and those individuals and agencies having requested such notice.
5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to landowners (109 total) and registered voters (33 total) within the annexation area. Comments from landowners, registered voters, 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 Rancho Cucamonga's current General Plan designations for the annexation area are: Neighborhood Center, Neo-Industrial Employment District, and D Industrial Employment District. This annexation has no direct impact on said land use designations.
7. The Southern California Associated Governments (SCAG) has adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3270 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy; however, the Project is close to the I-10 and I-15 Freeways, which are part of the RTP-SCS's regional express lane network that will be adding two express lanes on both freeways in each direction for completion by 2040.
8. The Local Agency Formation Commission has determined that this proposal is exempt from environmental review. The basis for this determination is that the Commission's approval of the annexation has no potential to cause a significant adverse impact on the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3). The Commission adopted the Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
9. The annexation area is served by the following local agencies: City of Rancho Cucamonga, Rancho Cucamonga Fire Protection District, Inland Empire Resource Conservation District, West Valley Mosquito and Vector Control District, Inland Empire Utilities Agency and its Improvement Districts, and Metropolitan Water District of Southern California.

None of these agencies are affected by this annexation proposal as they are either regional in nature or identified for other services for the annexation area.

10. A plan was prepared for the extension of services to the annexation area, as required by law. The Plan for Service indicates that the Cucamonga Valley Water District can provide water and/or sewer service to the area and can maintain and/or improve the level of said services currently available in the area.

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

11. The annexation area can and will continue to benefit from the availability and extension of water and/or sewer services from the Cucamonga Valley Water District.
12. This proposal will not affect the fair share allocation of the regional housing needs assigned to the City of Rancho Cucamonga through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process.
13. With respect to environmental justice, which is 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 following demographic and income profile was generated using ESRI's Business Analyst within the current Cucamonga Valley Water District territory and within the annexation area.

<b>Demographic and Income Comparison</b>	<b>Cucamonga Valley WD Current Area</b>	<b>Annexation Area</b>
<b>Race</b>		
• White Alone	38.3%	23.9%
• Black Alone	9.5%	13.8%
• American Indian Alone	1.2%	1.8%
• Asian Alone	16.0%	16.5%
• Pacific Islander Alone	0.3%	0.0%
• Some Other Race Alone	17.0%	24.8%
• Two or More Races	17.7%	19.3%
<b>Ethnicity</b>		
• Hispanic Origin (Any Race)	40.7%	50.9%
Median Household Income	\$108,443	\$75,000

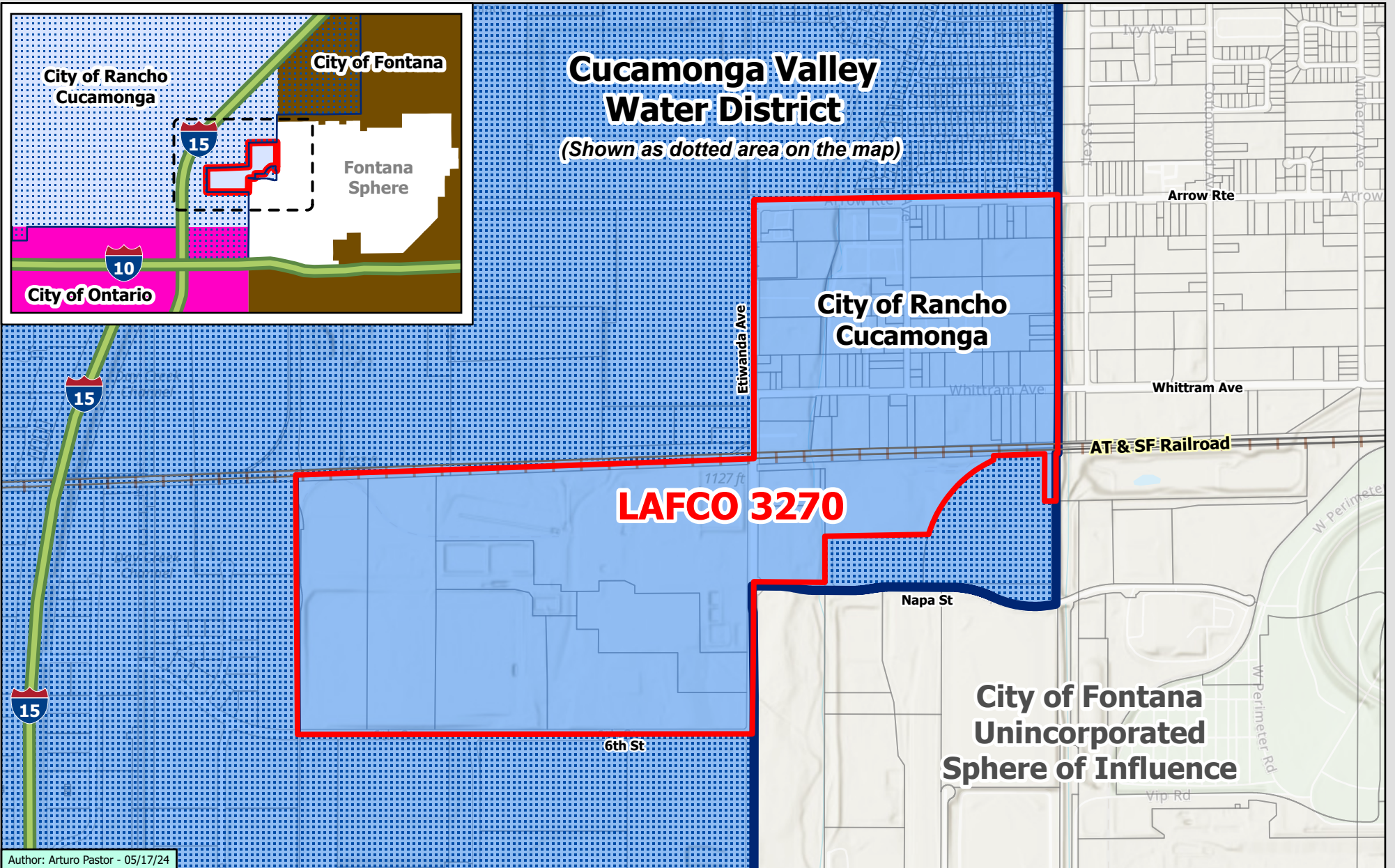
As noted in the staff report, properties east of Etiwanda Avenue receive water service from Fontana Water Company. There are several properties within the annexation area that already receive sewer service from the District through an out-of-agency service agreement and/or through direct connection to Inland Empire Utilities Agency's regional transmission lines. The annexation area will continue to benefit from the extension of service(s) and facilities from the District, 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 3270.

14. The County of San Bernardino, acting on behalf of the Cucamonga Valley Water District, determining there will be no transfer of property tax revenues as a result of the annexation. This resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.
15. The maps and legal descriptions are in substantial compliance with LAFCO and State standards.

Attachments:

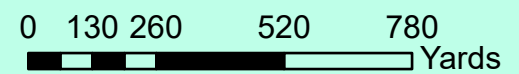
1. [Vicinity Map and Official Map](#)
2. [Application and Plan for Service including Fiscal Impact Analysis](#)
3. [Environmental Recommendation](#)
4. [Draft Resolution No. 3410](#)



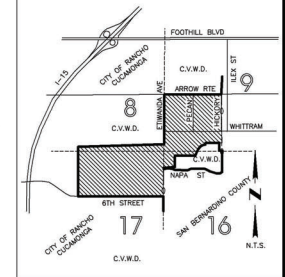
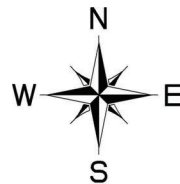
## LAFCO 3270 - Annexation to the Cucamonga Valley Water District (Southeastern Sphere of Influence)

- LAFCO 3270
- Cucamonga Valley W.D.
- City of Rancho Cucamonga
- Cucamonga Valley W.D. Sphere
- Rail
- Highway
- Parcels

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



ANNEXATION TO CUCAMONGA VALLEY WATER DISTRICT (SOUTHEASTERN SPHERE OF INFLUENCE)  
PORTION OF SECTIONS 8, 9, 16 & 17, TOWNSHIP 1 SOUTH, RANGE 6 WEST, S.B.M., SAN BERNARDINO COUNTY, STATE OF CALIFORNIA



VICINITY MA  
N.T.S.

**LEGEND**

C.V.W.D. CUCAMONGA VALLEY WATER DISTRICT  
 — EXISTING C.V.W.D. BOUNDARY  
 // ANNEXATION AREA  
 —○— CITY OF RANCHO CUCAMONGA BOUNDARY

### LEGEND

LAFCO LOCAL AGENCY FORMATION COMMISSION  
FOR SAN BERNARDINO COUNTY

P.O.B. POINT OF BEGINNING

S.B.C.T.A. SAN BERNARDINO COUNTY TRANSIT  
AUTHORITY

———— ANNEXATION AREA

----- SECTION LINE

—○— CITY OF RANCHO CUCAMONGA BOUNDARY

AGENCIES AFFECTED

CUCAMONGA VALLEY WATER DISTRICT



REVISION		DATE		BY
EXHIBIT 'A-1'			DRAWING	
ANNEXATION MAP			L.Z. PRO	
DATE: 08-28-24	HESS DEVELOPMENT INC.		SHT 1	
SCALE: 1"=250'	280239 SOUTH RD. SUITE C-387		OF 1	
DR BY: BTH	MURFREESBORO, TN 38555 (501-935-2299)			
CHK BY: BTH				

## 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: 383 Acre Annexation of Land to CVWD's Service Area

2. NAME OF APPLICANT: Cucamonga Valley Water District (CVWD)

APPLICANT TYPE: ☐ Landowner ☒ Local Agency  
☐ Registered Voter ☐ Other \_\_\_\_\_

MAILING ADDRESS:

10440 Ashford Street, Rancho Cucamonga, 91730

PHONE: (909) 483-7451

FAX: ( )

E-MAIL ADDRESS: gulln@cvwdwater.com

3. GENERAL LOCATION OF PROPOSAL: Property adjacent to Etiwanda Avenue  
between Arrow Route & 6th Street in Rancho Cucamonga.

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. \_\_\_\_\_  
Industrial business developments are planning to build in the Annexation Area who will need  
water and sewer service from CVWD. Annexation of the land to CVWD will allow CVWD  
to have a service area that is identical to the City Boundary of Rancho Cucamonga.



**LAND USE AND DEVELOPMENT POTENTIAL**

1. Total land area of subject territory (defined in acres):  
Approximately 383 Acres
2. Current dwelling units within area classified by type (single-family residential, multi-family [duplex, four-plex, 10-unit], apartments)  
Annexation area has a industrial land use designation per City of Rancho Cucamonga's general plan
3. Approximate current population within area:  
There are several industrial businesses in the annexation area.
4. Indicate the General Plan designation(s) of the affected city (if any) and uses permitted by this designation(s):  
Annexation area has a industrial land use designation per City of Rancho Cucamonga's general plan

San Bernardino County General Plan designation(s) and uses permitted by this designation(s):  
Annexation area has a industrial land use designation per City of Rancho Cucamonga's general plan

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:  
There are several industrial businesses in the annexation area who have access to the existing road system.
6. Indicate the existing use of the subject territory.  
Annexation area has a industrial land use designation per City of Rancho Cucamonga's general plan

What is the proposed land use?

Annexation area has a industrial land use designation per City of Rancho Cucamonga's general plan

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.  
CVWD will provide water and sewer services to the annexation area. CVWD has adequate water and sewer capacity to serve the annexation area.

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

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

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

CVWD provides water and sewer service to all residents of Rancho Cucamonga without having  
any restrictions or limitations based on race, culture, or income.

### **ENVIRONMENTAL INFORMATION**

1. Provide general description of topography. \_\_\_\_\_  
Area has existing road system. The terrain is relatively flat with the north end being higher than south end of the annexation area.

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

Residential	_____ %	Agricultural	_____ %
Commercial	_____ %	Vacant	<u>40</u> %
Industrial	<u>60</u> %	Other	_____ %

3. Describe the surrounding land uses:

NORTH	<u>Industrial</u>
EAST	<u>Industrial</u>
SOUTH	<u>Industrial</u>
WEST	<u>Industrial</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.).

The southwest portion of the annexation area will have to construct new facilities for the Etiwanda Commerce Center warehouse development. The northeast portion of the annexation area  
is mostly built out with industrial businesses. The northeast portion could have to build one or two sewer mains that connect to the existing sewer trunk main on Arrow Route.

5. Will service extensions accomplished by this proposal induce growth on this site? YES ☒ NO ☐ Adjacent sites? YES ☐ NO ☐ Unincorporated ☐ Incorporated ☐  
Yes, CVWD's ability to provide water and sewer service to the annexation area can prompt more development of industrial businesses.

6. Are there any existing out-of-agency service contracts/agreements within the area? YES ☒ NO ☐ If YES, please identify.  
8545 Pecan Avenue, Rancho Cucamonga, 91739 has a out-service-agency agreement. It was approved by LAFCO on September 20, 2023 per Resolution No. 3383.

7. Is this proposal a part of a larger project or series of projects? YES ☒ NO ☐ If YES, please explain.  
The proposed action of this annexation is to have CVWD's service area become identical to the city boundary of Rancho Cucamonga so that the proposed industrial developments in the annexation area can receive water and sewer service from CVWD.

### 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 Gull Nawaz TELEPHONE NO. 909-483-7451

ADDRESS: 10440 Ashford Street, Rancho Cucamonga, CA 91730

NAME \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

ADDRESS: \_\_\_\_\_

NAME \_\_\_\_\_ TELEPHONE NO. \_\_\_\_\_

ADDRESS: \_\_\_\_\_

### CERTIFICATION

As a part of this application, the City/Town of \_\_\_\_\_, or the Cucamonga Valley Water District District/Agency, John Bosler (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 April 22, 2021

  
John Barker

SIGNATURE

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

GM/CEO CVWD

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  
Cucamonga Valley Water District

DETACHED FROM

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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.

N/A. Annexation of land will only be to CVWD in order to make the water district's  
service area identical to the city boundary of Rancho Cucamonga.

\_\_\_\_\_

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.

N/A. Annexation of land will only be to CVWD in order to make the water district's  
service area identical to the city boundary of Rancho Cucamonga.

\_\_\_\_\_

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

Annexation of land will only be to CVWD in order to make the water district's  
service area identical to the city boundary of Rancho Cucamonga.

\_\_\_\_\_  
\_\_\_\_\_

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

Annexation of land will only be to CVWD in order to make the water district's  
service area identical to the city boundary of Rancho Cucamonga.

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.

Annexation of land will only be to CVWD in order to make the water district's  
service area identical to the city boundary of Rancho Cucamonga. There are mostly  
commercial or industrial customers within the annexation area that can receive water  
or sewer service from CVWD if the annexation is accepted by LAFCO.

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.

Annexation of land will only be to CVWD in order to make the water district's  
service area identical to the city boundary of Rancho Cucamonga. There are mostly  
commercial or industrial customers within the annexation area that can receive water  
or sewer service from CVWD if the annexation is accepted by LAFCO.

8. **PLAN FOR SERVICES:**

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

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



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

### **CERTIFICATION**

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

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

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

As the proponent, I acknowledge that annexation to the City/Town of \_\_\_\_\_ or the Cucamonga Valley Water District District/Agency may result in the imposition of taxes, fees, and assessments existing within the (city or district) on the effective date of the change of organization. I hereby waive any rights I may have under Articles 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 April 22, 2024

  
SIGNATURE

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

GM/CEO CWD  
Title and Affiliation (if applicable)



[www.FinanceDTA.com](http://www.FinanceDTA.com)

## PLAN FOR SERVICE

CUCAMONGA VALLEY WATER DISTRICT  
ANNEXATION OF THE 383-ACRE PROPERTY IN  
THE CITY OF RANCHO CUCAMONGA

September 6, 2023

Public Finance  
Public-Private Partnerships  
Development Economics  
Clean Energy Bonds

*Newport Beach / San Jose / San Francisco / Riverside  
Dallas / Houston / Raleigh / Tampa*





[www.FinanceDTA.com](http://www.FinanceDTA.com)

18201 Von Karman Avenue, Suite 220  
Irvine, CA 92612

## CUCAMONGA VALLEY WATER DISTRICT



*Service Beyond Expectation*

### PLAN FOR SERVICE

## ANNEXATION OF THE 383-ACRE PROPERTY IN THE CITY OF RANCHO CUCAMONGA

Prepared for:

Cucamonga Valley Water District

10440 Ashford St.

Rancho Cucamonga, CA 91730-2799

Attention: Gull Nawaz

# TABLE OF CONTENTS

<u>SECTION</u>	<u>PAGE</u>
I INTRODUCTION.....	1
A Purpose of the Plan for Service .....	1
B Description of the Annexation Area .....	1
C Existing and Proposed Developments within the Annexation Area.....	2
II PLAN FOR SEWER SERVICE BEFORE AND AFTER ANNEXATION OF THE ANNEXATION AREA.....	4
A Before Annexation .....	5
B After Annexation .....	6
III PLAN FOR WATER SERVICE BEFORE AND AFTER ANNEXATION OF THE ANNEXATION AREA.....	8
A Before Annexation .....	8
B After Annexation .....	8
IV FISCAL IMPACT ANALYSIS OF THE ANNEXATION ACTION ON THE DISTRICT .....	9
A Recurring Fiscal Impacts of the Annexation Area.....	9
B One-Time Fiscal Impacts of the Annexation Area.....	9

## **I INTRODUCTION**

DTA has been retained to prepare a Plan for Service ("PFS") for the Cucamonga Valley Water District (the "District") to serve the proposed annexation of the 383-acre property (the "Annexation Area") wholly located within the City of Rancho Cucamonga (the "City").

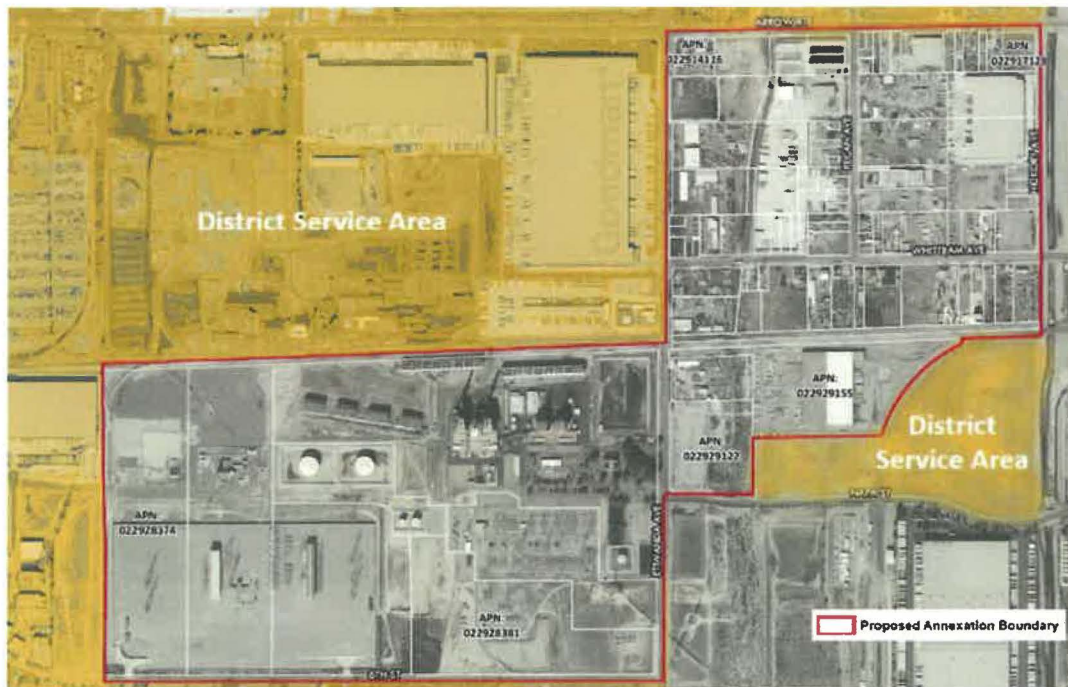
### **A Purpose of the Plan for Service**

The County of San Bernardino's Local Agency Formation Commission ("LAFCO") requires the preparation and certification of a study when a jurisdiction is affected by a proposed change of organization or reorganization. The annexation of the entire Annexation Area into the District will ensure the provision of wastewater and water services to both existing and new development therein. The intent of this PFS is to provide LAFCO with sufficient information to assess the capabilities of the District related to providing wastewater and water services to the Annexation Area once it has been absorbed by the District. In addition, the PFS includes information on the fiscal impacts of such annexation action on the District's General Fund.

### **B Description of the Annexation Area**

The Annexation Area, as depicted in Figure 1, encompasses approximately 382.55 acres of mostly developed land in the eastern portion of the City generally located south of Arrow Route, west of Hickory Avenue, north of 6<sup>th</sup> Street, and east of Interstate 15 ("I-15").

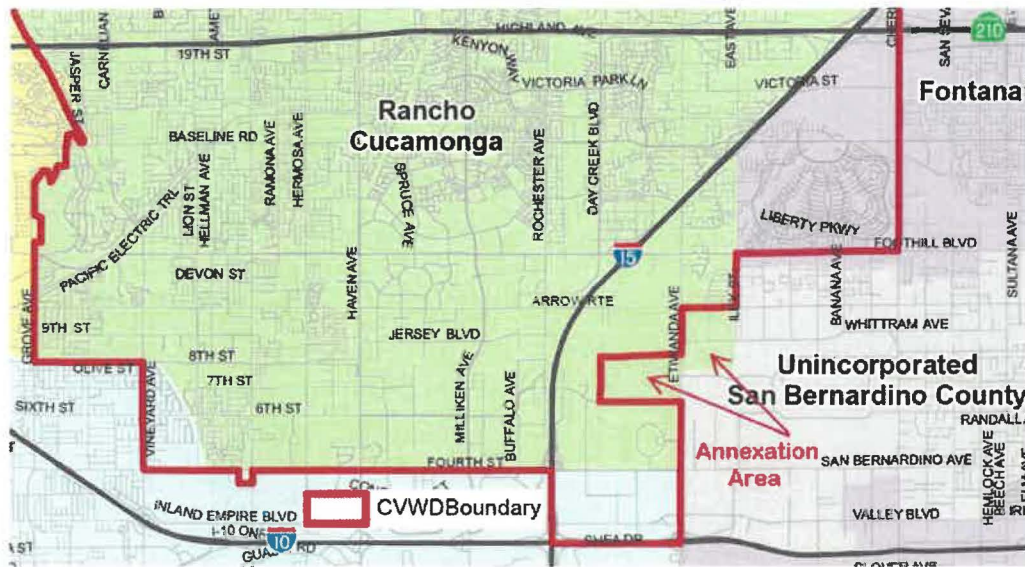
**Figure 1: Aerial Map for Proposed Annexation Area**





As reflected in Figure 2 depicting the location of the Annexation Area relative to the District's eastern boundaries, the annexation of the entire Annexation Area into the District will create a logical District boundary to match the City limits.

**Figure 2: Location of Annexation Area Relative to District's Eastern Boundaries**



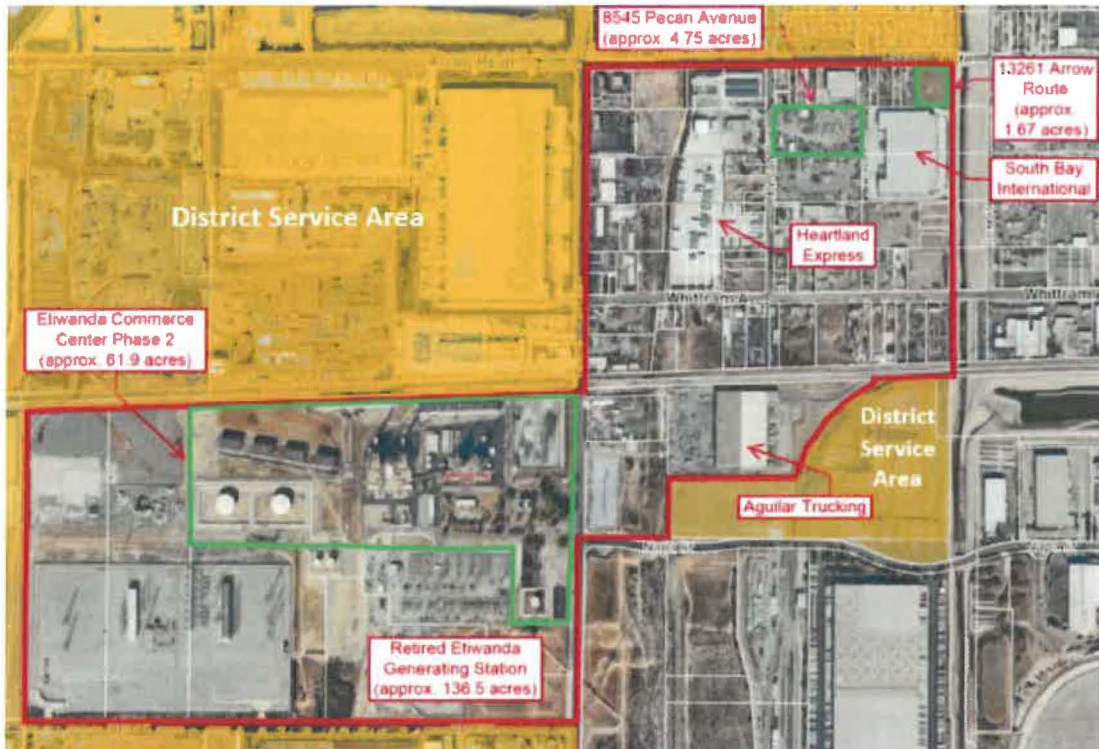
### **C Existing and Proposed Developments within the Annexation Area**

As illustrated in Figure 3, the Annexation Area east of Etiwanda Avenue is mostly developed and comprised of light industrial buildings, with notable developments including South Bay International, Heartland Express, and Aguilar Trucking. In addition, highlighted in green therein are two active and proposed development projects:

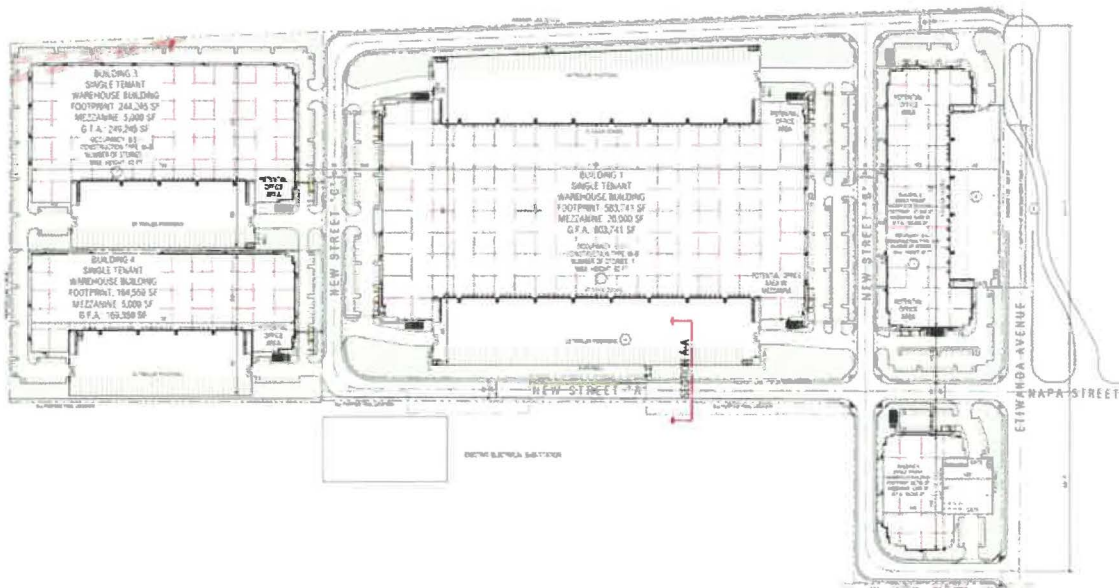
- 8545 Pecan Avenue: An industrial logistics facility encompassing approximately 98,685 square feet ("SF") of gross leasable space that is currently under construction on a 4.75-acre site; and
- 13261 Arrow Route: A proposed industrial building on a 1.688-acre vacant land.

As depicted in Figure 3, the Annexation Area west of Etiwanda Avenue encompasses approximately 198.4 acres of land currently housing the retired Etiwanda Generating Station at 8996 Etiwanda Avenue. Bayview Environmental Services has been selected to perform asbestos remediation for the decommissioning of the 640-megawatt electric power generating station and demolition and removal of existing on-site features, including buildings, piping, boiler insulation, and fire bricks. There is currently a proposed Master Plan amendment to redevelop a portion of the site into an industrial logistics facility encompassing five (5) buildings and approximately 1.2 million SF of gross leasable space known as Phase 2 of the Etiwanda Commerce Center. The conceptual site plan for Phase 2 of the Etiwanda Commerce Center is illustrated in Figure 4.

**Figure 3: Notable Existing and Proposed Developments within Annexation Area**



**Figure 4: Conceptual Site Plan for Phase 2 of Etowanda Commerce Center**

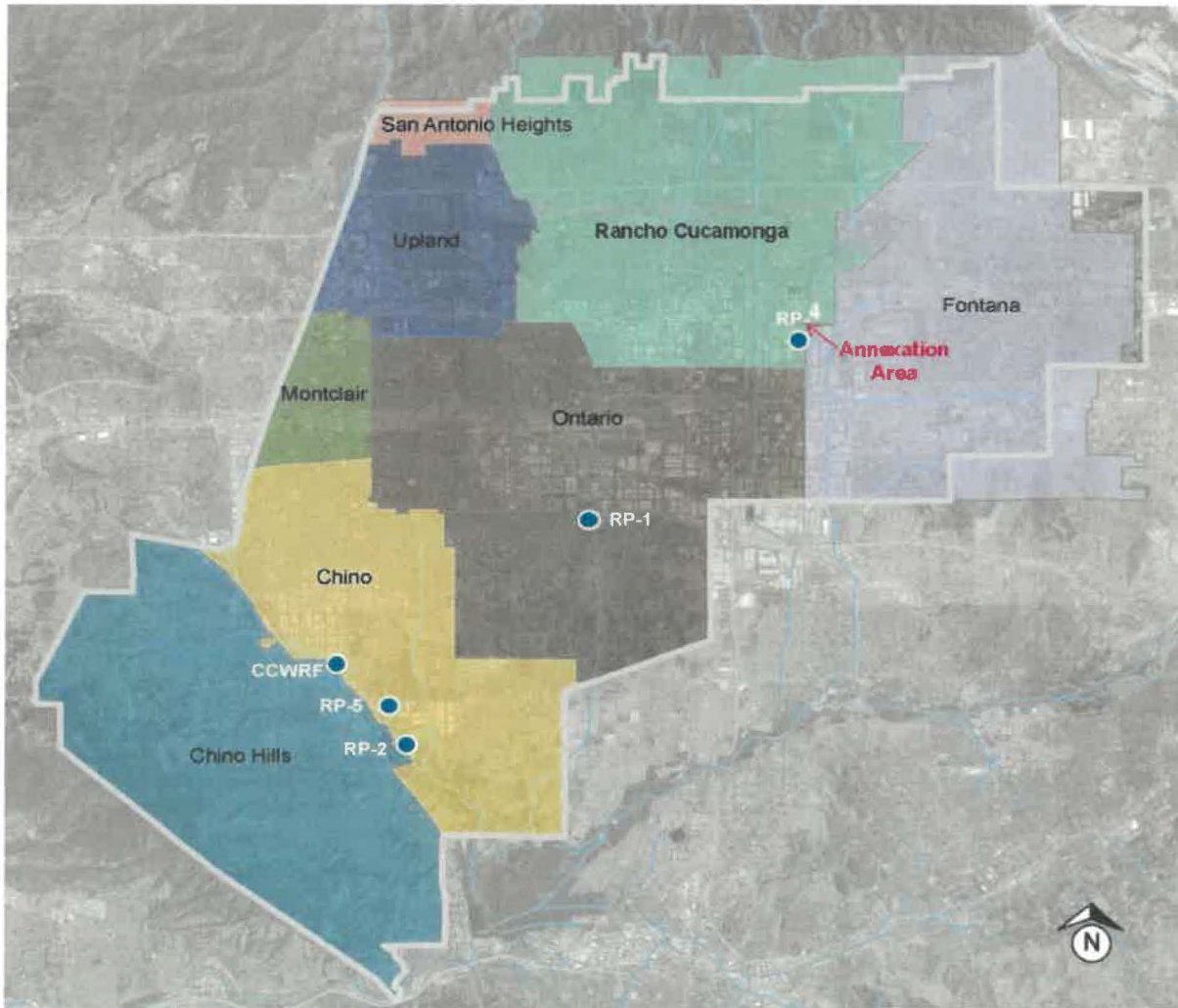




**II PLAN FOR SEWER SERVICE BEFORE AND AFTER ANNEXATION OF THE ANNEXATION AREA**

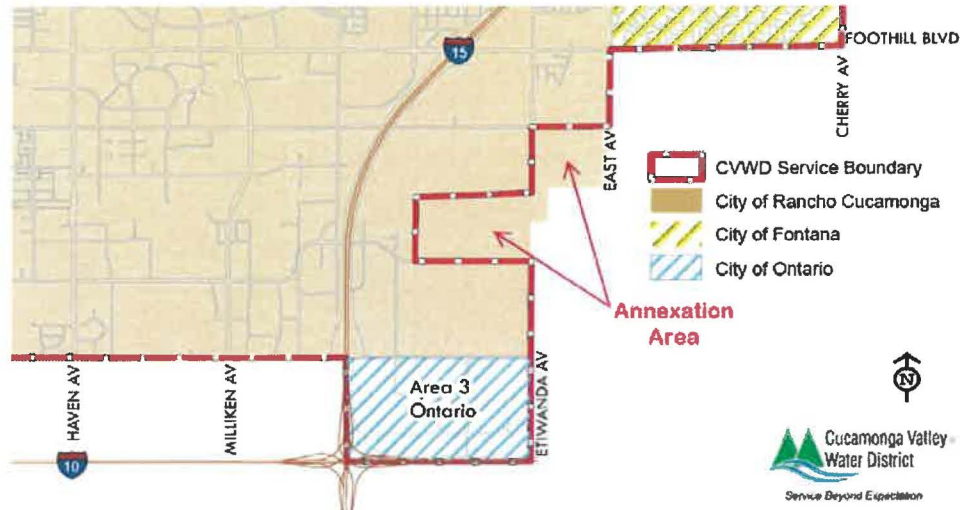
As illustrated in Figure 5 below, the entire Annexation Area is currently within the jurisdiction of the Inland Empire Utilities Agency (the "IEUA"), which only provides regional wastewater treatment facilities and does not offer local retail wastewater services. While the Annexation Area east of Etiwanda Avenue is already located within the Fontana Water Company's ("FWC") jurisdiction, the FWC does not provide wastewater services. As a result, the entire Annexation Area will need to be annexed into the District to receive local sewer services as shown in Figure 6.

**Figure 5: IEUA Service Area**



## SECTION II PLAN FOR SEWER SERVICE BEFORE AND AFTER ANNEXATION OF THE ANNEXATION AREA

Figure 6: Areas of Annexation Areas to be Annexed into District Sewer Service Area



### A Before Annexation

As noted above, IEUA is a regional wastewater treatment agency that operates wastewater treatment facilities. Although the Annexation Area does not currently receive any local wastewater services, the parcels listed below and depicted in Figure 7 already have sewer laterals connected to IEUA's sewer trunk mains that front such parcels on Arrow Route and Etiwanda Avenue:

- Assessor's Parcel Number ("APN") 0229-171-28-0000;
- APN 0229-291-55-0000;
- APN 0229-161-19-0000;
- APN 0229-161-05-0000;
- APN 0229-161-04-0000;
- APN 0229-161-03-0000;
- APN 0229-161-02-0000;
- APN 0229-161-01-0000; and
- APN 0229-151-28-0000.



**Figure 7: Parcels Already Connected to IEUA's Sewer Trunk Main within Annexation Area**



As noted previously, most of the Annexation Area east of Etiwanda Avenue has been developed. The District indicated that those developed properties, other than those nine (9) parcels previously identified as connected to IEUA's sewer trunk mains on Arrow Route and Etiwanda Avenue, are currently on commercial septic systems.

## **B After Annexation**

IEUA will continue to be the regional wastewater treatment agency for the Annexation Area, while the District will be the local wastewater service program administrator for the Annexation Area. It is important to note that even though the District currently operates and maintains approximately 421 miles of wastewater collection system ranging from 8 to 36 inches in diameter, the Annexation Area will not utilize the District's existing collection system to transport wastewater to IEUA's regional treatment facilities. **Instead, future developments within the Annexation Area, as well as those existing developed properties required to install new off-site sewer connections<sup>1</sup>, will be required to construct either tie-ins to IEUA's sewer lines or a new wastewater collection system, with such tie-ins and collection lines owned and maintained by the District, as discussed in greater detail below.**

<sup>1</sup> If a parcel currently on a commercial septic system needs a complete system replacement, the City has the jurisdiction to determine whether a new septic system can be installed or a new off-site sewer connection is required. Typically, the City will mandate a new off-site sewer connection under those circumstances.



The Annexation Area will require two (2) sewer systems for wastewater collection, consisting of an existing regional collection system owned by IEUA and a new local collection system to be owned by the District. Future and existing developments fronting Arrow Route and Etiwanda Avenue will most likely be able to have direct laterals connections to IEUA's sewer trunk mains running in those arterials at their own expense. In contrast, future and existing developments on the internal parcels within the Annexation Area, i.e., not fronting Arrow Route or Etiwanda Avenue, will need to construct an internal sewage collection system at their own expense, which will be conveyed to and maintained by the District. This new collection system will utilize a combination of 8", 10", 12", or 15" sewer mains to convey the wastewater to the 36-inch Etiwanda sewer line (the "Etiwanda Line") and subsequently to IEUA's existing regional treatment plant, as discussed further below.

IEUA owns and operates a system of regional trunk and interceptor sewers that transport wastewater to the regional wastewater treatment plants. RP-4, located at 12811 6<sup>th</sup> Street in Rancho Cucamonga and the nearest regional water recycling plant to the Annexation Area, was recently expanded to a treatment capacity of 14 million gallons per day ("MGD") and treats an average flow of 10 MGD of wastewater, or 71% of its treatment capacity. Additionally, the Etiwanda Line has a full capacity of 49.94 MGD and is designed to transport a peak flowrate of 14.21 MGD at 37% full condition, leaving an available capacity of 35.73 MGD.

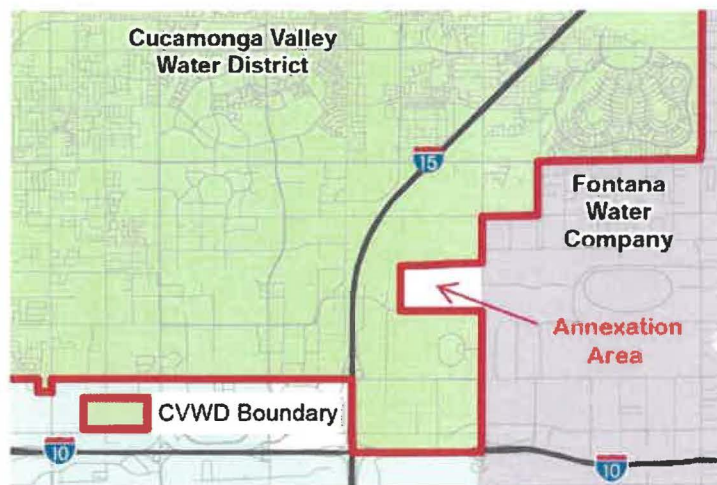
The wastewater generation at the future build-out of the Annexation Area, including the conversion of existing developed properties from commercial septic systems to off-site sewer system connections, is preliminarily estimated to be 1,000 gallons per day ("gpd") per acre, equating to an average dry weather flow ("ADWF") of 0.38 MGD, with a peak wet weather flow ("PWWF") of 2,500 gpd per acre, or 0.96 MGD. This is a very conservative estimate as it assumes that each acre within the Annexation Area would actively produce sewage. The actual acreage of active wastewater generators will be significantly less when accounting for landscape areas, impervious areas such as parking lots and sidewalks, and other non-building areas that do not produce sewage.

Notwithstanding the foregoing conservative estimates of ADWF (0.38 MGD) and PWWF (0.96 MGD), the available treatment capacity at the RP-4 (4 MGD) and Etiwanda Line (35.73 MGD) will be more than sufficient to serve the Annexation Area at its build-out and full conversion.

### **III PLAN FOR WATER SERVICE BEFORE AND AFTER ANNEXATION OF THE ANNEXATION AREA**

As illustrated in Figure 8, the Annexation Area west of Etiwanda Avenue, comprising the decommissioned Etiwanda Generating Station, is currently outside of the FWC jurisdiction and will need to be annexed into the District to receive local water services.

**Figure 8: Area of Annexation Areas to be Annexed into District Water Service Area**



#### **A Before Annexation**

As noted above, the Annexation Area west of Etiwanda Avenue is currently not located within the service area of a local retail water service provider, and therefore does not receive local retail water services.

#### **B After Annexation**

The District currently provides potable and recycled water services to approximately 48,000 connections. Approximately 48% of District's overall potable water supply comes from local groundwater wells in the Chino Groundwater Basin and the Cucamonga Basin, with approximately 46% of supply purchased from IEUA and the remaining 6% from the canyon sources. The current proposed Phase 2 of the Etiwanda Commerce Center will be required to construct lateral connections to the water main running in Etiwanda Avenue upon its development to receive potable and/or recycled water services.



#### IV FISCAL IMPACT ANALYSIS OF THE ANNEXATION ACTION ON THE DISTRICT

As previously noted, the entire Annexation Area will need to be annexed into the District to receive local wastewater service, while the Annexation Area west of Etiwanda Avenue will receive local water services from the District. This section will focus on the recurring and one-time fiscal impacts of the Annexation Area on the District General Fund after its annexation into the District.

##### A Recurring Fiscal Impacts of the Annexation Area

Since the Project will pay the prevailing water and wastewater service rates for its water demand and wastewater generation, it is assumed there will be a net zero fiscal impact to the District General Fund after annexing the Annexation Area.

##### B One-Time Fiscal Impacts of the Annexation Area

As previously noted, developers within the Annexation Area, as applicable, will be required to construct new laterals connections or construct a new internal sewage collection system at their own expense. In addition, developers will be required to pay development impact fees ("DIFs"), which are one-time fees utilized to fund a project's fair share of a municipality's infrastructure and capital needs. Development projects within the Annexation Area are subject to the following DIFs collected by the District:

- Water System Capacity Fee ("WSCF"): In addition to constructing the required tie-ins to the water system, the developers will be assessed for each paid meter in accordance with its size. Currently, the WSCF ranges from \$10,351 to \$828,042 for a ¾" - to 10"-meter connection.
- Recycled Water System Capacity Fee ("RWSCF"): Assessed for each paid meter in accordance with its size. Currently, the RWSCF ranges from \$14,796 to \$710,212 for a 1" - to 10"-meter connection.
- Sewer System Capacity Fee ("SSCF"): Assessed for each paid meter in accordance with its size. Currently, the SSCF ranges from \$1,239 to \$99,140 for a ¾" - to 10"-meter connection.
- Capital Capacity Reimbursement Fee ("CCRF"): Currently assessed at \$8,132 per equivalent dwelling unit ("EDU"), where one EDU represents the sewage discharged from a single residential dwelling unit. EDU determinations for industrial projects are calculated based on the type of business operation and the facility's sewer drainage fixture count, or by direct measurement of sewage quality and volume, or a combination of both. Therefore, CCRF for these types of projects must be assessed during the tenant improvement plan check approval process.

The actual amount of WSCF, SSCF, RWSCF, and CCRF payable by developments within the Annexation Area will be contingent on their paid meter sizes and types of on-site business operations.



[www.FinanceDTA.com](http://www.FinanceDTA.com)

18201 VON KARMAN AVENUE, SUITE 220  
IRVINE, CA 92612  
PHONE: (800) 969-4DTA

**Certification**

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

A blue ink signature of Eduardo Espinoza, consisting of a stylized 'E' followed by a series of loops and a final upward stroke.

Eduardo Espinoza, PE  
Assistant General Manager  
Cucamonga Valley Water District

4/24/2024  
Date

## 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 ♦ **Email:** [tda@tdaenv.com](mailto:tda@tdaenv.com) ♦ **Web:** [tdaenvironmental.com](http://tdaenvironmental.com)



November 8, 2024

Mr. Samuel Martinez  
Local Agency Formation Commission  
1601 E. 3<sup>rd</sup> Street, Suite 102  
San Bernardino, CA 92415-0490

Dear Sam:

LAFCO 3270 consists of an Annexation to the Cucamonga Valley Water District (CVWD or District). The proposed Annexation encompasses approximately 383 acres located entirely within the City of Rancho Cucamonga and is located east and west of Etiwanda Avenue, generally north of 6<sup>th</sup> Street and south of Arrow Route. The proposed Annexation area is located within an area bounded by: a combination of Hickory Avenue and parcel lines on the east; a combination of Etiwanda Avenue, 6<sup>th</sup> Street, and parcel lines (a portion of existing CVWD boundary) on the south; parcel lines (existing CVWD boundary) on the west; and a combination of the Metrolink Railroad, Etiwanda Avenue, and Arrow Route (existing CVWD boundary) on the north. This Annexation will extend District water and sewer services into the approximate 383-acre area, but it would not result in any specific physical changes to the physical environment until specific infrastructure facilities are installed by the District in the future.

Therefore, after careful review, I am recommending that the Commission consider the adoption of a Common Sense Exemption for LAFCO 3270. Thus, I recommend that the Commission find that an Exemption (as defined in CEQA) applies to LAFCO 3270 under Section 15061 (b) (3) of the State CEQA Guidelines, which states: *"The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."* It is my opinion, and recommendation to the Commission, that this circumstance applies to LAFCO 3270 because the District will simply replace the existing water service within the identified action area on an as needed basis.

Based on this review of LAFCO 3270 and the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that LAFCO 3270 does not constitute a project under CEQA and adoption of the Common Sense exemption and filing of a Notice of Exemption is the most appropriate determination to comply with CEQA for this action. The Commission can approve the review and findings for this action and I recommend that you notice

LAFCO 3270 as exempt from CEQA for the reasons outlined in the State CEQA Guideline sections cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed and assuming the project is approved.

A copy of this exemption recommendation should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, 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  
Attachment



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3<sup>rd</sup> Street, Suite 102, San Bernardino, CA 92415-0490  
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lafco@lafco.sbcounty.gov  
www.sbclafco.org

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**PROPOSAL NO.: LAFCO 3270**

**HEARING DATE: NOVEMBER 20, 2024**

## **RESOLUTION NO. 3410**

**A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3270 AND APPROVING THE ANNEXATION TO THE CUCAMONGA VALLEY WATER DISTRICT (SOUTHEASTERN SPHERE OF INFLUENCE). The annexation area comprises approximately 383.5 acres located entirely within the City of Rancho Cucamonga and is located east and west of Etiwanda Avenue generally north of 6th Street and south of Arrow Route.**

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

**WHEREAS**, an application by the Cucamonga Valley Water District Board of Directors for the proposed annexation in San Bernardino County was filed with the Executive Officer of this Local Agency Formation Commission (hereinafter referred to as "the Commission") in accordance with the Cortese-Knox- Hertzberg Local Government Reorganization Act of 2000 (Government Code Sections 56000 et seq.), and the Executive Officer has examined the application and executed his certificate in accordance with law, determining and certifying that the filings are sufficient; and,

**WHEREAS**, at the times and in the form and manner provided by law, the Executive Officer has given notice of the public hearing by the Commission on this matter; and,

**WHEREAS**, the Executive Officer has reviewed available information and prepared a report including his recommendations thereon, the filings and report and related information having been presented to and considered by this Commission; and,

**WHEREAS**, the public hearing by this Commission was called for November 20, 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; it received evidence as to whether the territory is inhabited or uninhabited, improved or unimproved;



## RESOLUTION NO. 3410

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.

**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:

**Condition No. 1.** The boundaries are approved as set forth in Exhibits “A” and “A-1” attached.

**Condition No. 2.** The following distinctive short-form designation shall be used throughout this proceeding: LAFCO 3270.

**Condition No. 3.** All previously authorized charges, fees, assessments, and/or taxes currently in effect by the Cucamonga Valley Water District (annexing agency) shall be assumed by the annexing territory in the same manner as provided in the original authorization pursuant to Government Code Section 56886(t).

**Condition No. 4.** The Cucamonga Valley Water District shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission’s approval of this proposal, including any reimbursement of legal fees and costs incurred by the Commission.

**Condition No. 5.** The date of issuance of the Certificate of Completion shall be the effective date of this annexation.

**SECTION 2. DETERMINATIONS.** The following determinations are required to be provided by Commission policy and Government Code Section 56668:

1. The County Registrar of Voters has determined that the annexation area is legally inhabited, containing 33 registered voters as of October 16, 2024.
2. The County Assessor has determined that the total assessed value of land and improvements within the annexation area are as follows:

Land:	\$ 194,177,240
Improvements:	\$ 85,547,718
Total:	\$ 279,724,958
3. The annexation area is within the sphere of influence assigned the Cucamonga Valley Water District.
4. Legal notice of the Commission’s consideration of the proposal has been provided through publication of a 1/8th page legal advertisement in *The Sun*, a newspaper of

## RESOLUTION NO. 3410

general circulation in the area. As required by State law, individual notices were provided to all affected and interested agencies, County departments, and those individuals and agencies having requested such notice.

5. In compliance with the requirements of Government Code Section 56157 and Commission policies, LAFCO staff has provided individual notice to landowners (109 total) and registered voters (33 total) within the annexation area. Comments from landowners, registered voters, 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 Rancho Cucamonga's current General Plan designations for the annexation area are: Neighborhood Center, Neo-Industrial Employment District, and Industrial Employment District. This annexation has no direct impact on said land use designations.
7. The Southern California Associated Governments (SCAG) has adopted its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy (RTP-SCS) pursuant to Government Code Section 65080. LAFCO 3270 has no direct impact on SCAG's Regional Transportation Plan and Sustainable Communities Strategy; however, the Project is close to the I-10 and I-15 Freeways, which are part of the RTP-SCS's regional express lane network that will be adding two express lanes on both freeways in each direction for completion by 2040.
8. The Local Agency Formation Commission has determined that this proposal is exempt from environmental review. The basis for this determination is that the Commission's approval of the annexation has no potential to cause a significant adverse impact on the environment; and therefore, the proposal is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3). The Commission adopted the Exemption and directed its Executive Officer to file a Notice of Exemption within five (5) days with the San Bernardino County Clerk of the Board of Supervisors.
9. The annexation area is served by the following local agencies: City of Rancho Cucamonga, Rancho Cucamonga Fire Protection District, Inland Empire Resource Conservation District, West Valley Mosquito and Vector Control District, Inland Empire Utilities Agency and its Improvement Districts, and Metropolitan Water District of Southern California.

None of these agencies are affected by this annexation proposal as they are either regional in nature or identified for other services for the annexation area.

10. A plan was prepared for the extension of services to the annexation area, as required by law. The Plan for Service indicates that the Cucamonga Valley Water District can provide water and/or sewer service to the area and can maintain and/or improve the level of said services currently available in the area.

## RESOLUTION NO. 3410

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

11. The annexation area can and will continue to benefit from the availability and extension of water and/or sewer services from the Cucamonga Valley Water District.
12. This proposal will not affect the fair share allocation of the regional housing needs assigned to the City of Rancho Cucamonga through the Southern California Association of Government's (SCAG) Regional Housing Needs Allocation (RHNA) process.
13. With respect to environmental justice, which is 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 following demographic and income profile was generated using ESRI's Business Analyst within the current Cucamonga Valley Water District territory and within the annexation area.

<b>Demographic and Income Comparison</b>	<b>Cucamonga Valley WD Current Area</b>	<b>Annexation Area</b>
Race		
• White Alone	38.3%	23.9%
• Black Alone	9.5%	13.8%
• American Indian Alone	1.2%	1.8%
• Asian Alone	16.0%	16.5%
• Pacific Islander Alone	0.3%	0.0%
• Some Other Race Alone	17.0%	24.8%
• Two or More Races	17.7%	19.3%
Ethnicity		
• Hispanic Origin (Any Race)	40.7%	50.9%
Median Household Income	\$108,443	\$75,000

As noted in the staff report, properties east of Etiwanda Avenue receive water service from Fontana Water Company. There are several properties within the annexation area that already receive sewer service from the District through an out-of-agency service agreement and/or through direct connection to Inland Empire Utilities Agency's regional transmission lines. The annexation area will continue to benefit from the extension of service(s) and facilities from the District, 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 3270.

14. The County of San Bernardino, acting on behalf of the Cucamonga Valley Water District, determining there will be no transfer of property tax revenues as a result of

## RESOLUTION NO. 3410

the annexation. This resolution fulfills the requirement of Section 99 of the Revenue and Taxation Code.

15. The maps and legal descriptions 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 annexation in a reasonable manner with a maximum chance of success and a minimum disruption of service to the functions of other local agencies in the area.

**SECTION 4.** The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner provided by Section 56882 of the Government Code.

**SECTION 5.** The Commission hereby directs that, following completion of the reconsideration period specified by Government Code Section 56895(b), the Executive Officer is hereby directed to initiate protest proceedings in compliance with this resolution and State law (Part 4, commencing with Government Code Section 57000) and set the matter for consideration of the protest proceedings, providing notice of hearing pursuant to Government Code Sections 57025 and 57026.

**SECTION 6.** Upon conclusion of the protest proceedings, the Executive Officer shall adopt a resolution setting forth his determination on the levels of protest filed and not withdrawn and setting forth the action on the proposal considered.

**SECTION 7.** Upon adoption of the final resolution by the Executive Officer, either a Certificate of Completion or a Certificate of Termination, as required by Government Code Sections 57176 through 57203, and a Statement of Boundary Change, as required by Government Code Section 57204, shall be prepared and filed for the proposal.

**THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:**

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

\*\*\*\*\*

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN BERNARDINO )

**I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to**

**RESOLUTION NO. 3410**

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 November 20, 2024.

**DATED:**

---

**SAMUEL MARTINEZ**  
Executive Officer

DRAFT

**EXHIBIT "A"****LAFCO 3270**

Annexation to Cucamonga Valley Water District (Southeastern Sphere of Influence)

**LEGAL DESCRIPTION**

A PORTION OF SECTIONS 8, 9, 16 AND 17, TOWNSHIP 1 SOUTH, RANGE 6 WEST, S.B.M., IN THE CITY OF RANCHO CUCAMONGA, SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE CENTERLINE INTERSECTION OF 6<sup>TH</sup> STREET AND ETIWANDA AVENUE, SAID POINT BEING THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST 1/4 OF SAID SECTION 17, SAID POINT ALSO BEING ON THE CITY OF RANCHO CUCAMONGA BOUNDARY AND ALSO BEING ON THE EXISTING CUCAMONGA VALLEY WATER DISTRICT BOUNDARY ESTABLISHED PER LAFCO 185;

1) THENCE, LEAVING SAID CITY BOUNDARY, ALONG THE CENTERLINE OF 6<sup>TH</sup> STREET AND ALONG SAID SOUTHERLY SECTION LINE AS ESTABLISHED PER LAFCO 185 THROUGH ITS VARIOUS COURSES IN A GENERALLY WESTERLY, EASTERLY AND NORTHERLY DIRECTION TO THE WEST QUARTER CORNER OF SAID SECTION 9, SAID POINT ALSO BEING THE CENTERLINE INTERSECTION OF SAID ETIWANDA AVENUE AND ARROW ROUTE, AND SAID POINT ALSO BEING ON THE EXISTING CUCAMONGA VALLEY WATER DISTRICT BOUNDARY ESTABLISHED PER LAFCO 1685;

2) THENCE, LEAVING SAID LAFCO 185 BOUNDARY, ALONG THE CENTERLINE OF ARROW ROUTE AND THE NORTHERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 9, AS ESTABLISHED PER LAFCO 1685 TO THE CENTER QUARTER CORNER OF SAID SECTION 9, SAID POINT ALSO BEING THE CENTERLINE INTERSECTION OF SAID ARROW ROUTE AND HICKORY AVENUE, SAID POINT ALSO BEING ON THE EXISTING CITY OF RANCHO CUCAMONGA BOUNDARY;

3) THENCE, LEAVING SAID LAFCO 1685 BOUNDARY, ALONG THE CENTERLINE OF HICKORY AVENUE AND THE EASTERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 9, AND ALSO ALONG SAID CITY BOUNDARY, SOUTH 00°04'00" WEST, A DISTANCE OF 2217.51 FEET TO THE SOUTHERLY LINE OF THE SBCTA RAIL CORRIDOR;

4) THENCE, ALONG THE SOUTHERLY LINE OF THE SBCTA RAIL CORRIDOR AND SAID CITY BOUNDARY, SOUTH 88°10'30" WEST A DISTANCE OF 17.15 FEET TO SAID EASTERLY LINE OF THE SOUTHWEST ¼ OF SAID SECTION 9;

5) THENCE, ALONG SAID EASTERLY LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 9 AND SAID CITY BOUNDARY, SOUTH 00°29'35" WEST A DISTANCE OF 415.71 FEET;

6) THENCE, LEAVING SAID CITY BOUNDARY, ALONG SAID LAFCO 3256 BOUNDARY THROUGH ITS VARIOUS COURSES IN A GENERALLY NORTHERLY, WESTERLY AND SOUTHWESTERLY DIRECTION TO THE CENTERLINE INTERSECTION OF SAID ETIWANDA AVENUE AND NAPA STREET, SAID POINT ALSO BEING ON THE EXISTING CITY OF RANCHO CUCAMONGA BOUNDARY;

7) THENCE, LEAVING SAID LAFCO 3256 BOUNDARY, SOUTHERLY ALONG THE CENTERLINE OF SAID ETIWANDA AVENUE, AND ALSO ALONG THE EXISTING CITY OF RANCHO CUCAMONGA BOUNDARY, SOUTH 00°32'46" WEST, A DISTANCE OF 1292.82 FEET TO THE **POINT OF BEGINNING**.

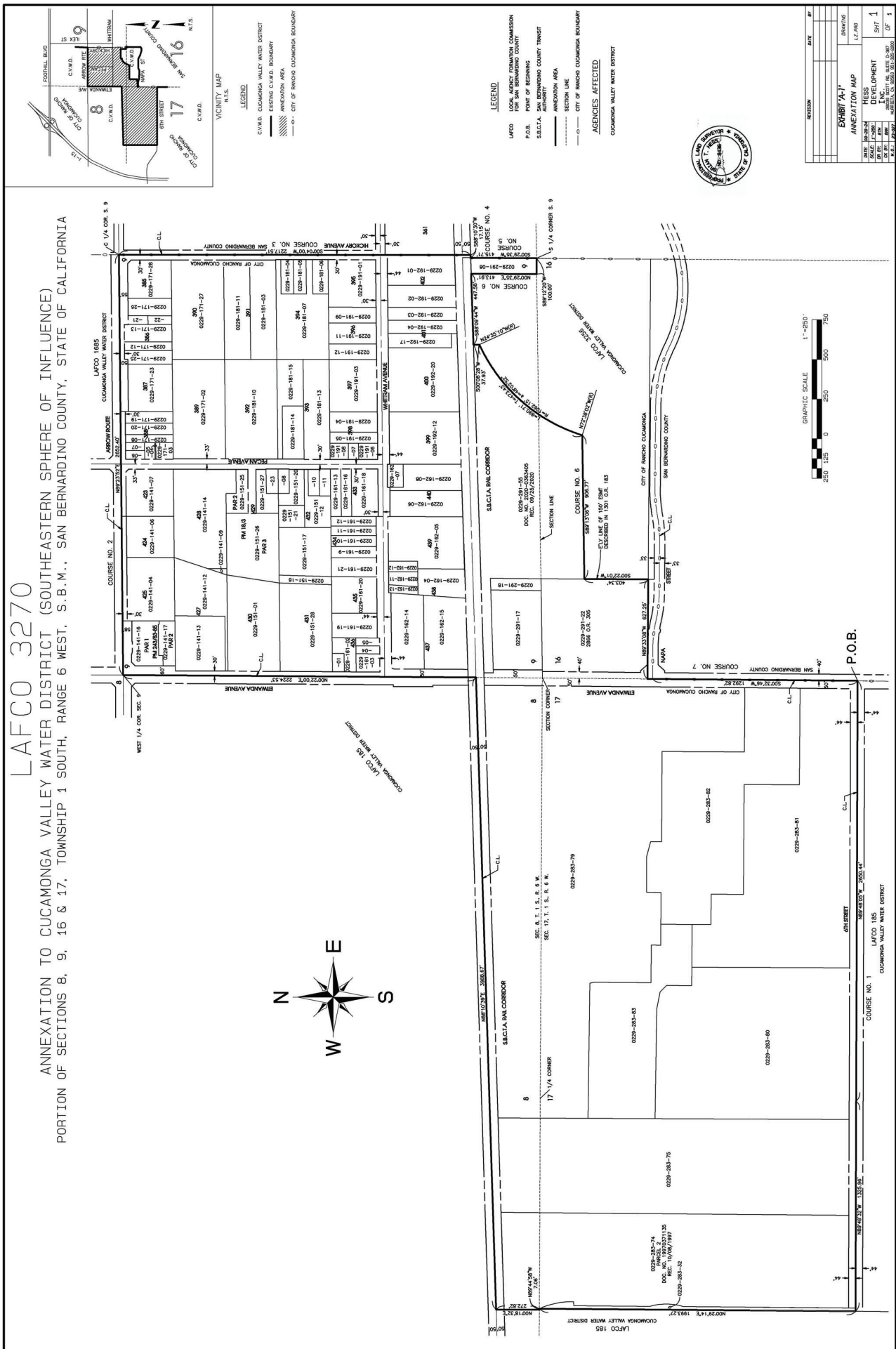
SAID AREA CONTAINING 383.50 AC., MORE OR LESS.



08/28/2024




ANNEXATION TO CUCAMONGA VALLEY WATER DISTRICT (SOUTHEASTERN SPHERE OF INFLUENCE)  
PORTION OF SECTIONS 8, 9, 16 & 17, TOWNSHIP 1 SOUTH, RANGE 6 WEST, S.B.M., SAN BERNARDINO COUNTY, STATE OF CALIFORNIA



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** NOVEMBER 13, 2024   
**FROM:** MICHAEL TUERPE, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #8: LAFCO 3272 - Service Review for the Big River  
Community Services District

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## **RECOMMENDATIONS:**

Staff recommends that the Commission take the following actions related to LAFCO 3272:

1. For environmental review, certify that the service review is exempt from environmental review and direct the Executive Officer to file the Notice of Exemption within five (5) days.
2. Accept and file the Service Review for the Big River Community Services District which sets forth the written statements for the six determinations outlined in Government Code Section 56430 made by the Commission.
3. Adopt LAFCO Resolution No. 3411 reflecting the Commission's determinations and directions as required by Government Code Section 56430 and Commission policy.

## **BACKGROUND:**

Before the COVID pandemic the Commission initiated a countywide service review for park and recreation. Upon return to in-person meetings, LAFCO staff notified the Commission that it wished to isolate the Big River Community Services District (District) due to its unique challenges – dwindling property tax, expiring master lease, and remote location. Subsequently, the Commission directed its staff to conduct a service review of the District.

## **SERVICE REVIEW:**

The Executive Summary summarizes the content and challenges the District faces, options available for sustainable service delivery, and options available should the District not be able to provide sustainable service delivery.

**ENVIRONMENTAL CONSIDERATION:**

The Commission's Environmental Consultant, Tom Dodson of Tom Dodson and Associates, has indicated his recommendation that LAFCO 3272 is exempt from California Environmental Quality Act (CEQA). This recommendation is based on the finding that the service review is not judged to pose any significant effect to the environment; therefore, the service review is exempt from the requirements of CEQA, as outlined in the State CEQA Guidelines, Section 15061(b)(3). Staff recommends that the Commission adopt the "Common Sense" Exemption for the service review. A copy of Mr. Dodson's analysis is included as Attachment #2 to this report.

**ADDITIONAL DETERMINATIONS:**

1. As required by State Law, notice of the hearing was provided through publication in newspapers of general circulation within the area, the *Needles Desert Star*. Individual notice was not provided as allowed under Government Code Section 56157 as such mailing would include more than 1,000 individual notices. As outlined in State Law and Commission Policy, in-lieu of individual notice the notice of hearing publication was provided through an eighth page legal ad.
2. As required by State law, individual notification of the hearing was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice.
3. A first draft of the service review document was released to all affected agencies on November 7, 2024.
4. The final draft of the service review was released on November 13, 2024 to all parties as well as the Commission and posted on the LAFCO website.
5. Comments from the public and any affected agency will be reviewed and considered by the Commission in making its determinations.

**CONCLUSION:**

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

SM/MT

Attachments:

1. [Service Review for the Big River Community Services District](#)
2. [Environmental Recommendation from Tom Dodson](#)
3. [Draft Resolution No. 3411](#)

***Service Review for the  
Big River Community Services District***

**LAFCO 3272**



**LAFCO**

*for San Bernardino County*

**Accepted and Filed \_\_\_\_\_**

## TABLE OF CONTENTS

Executive Summary	3
Section 1: Purpose of Service Review	6
Section 2: Big River and Big River CSD	8
Section 3: Options for Sustainability	15
Section 4: Service Review Determinations	16
Sources	20

## EXECUTIVE SUMMARY

The Big River Community Services District (“District” or “CSD”) has historically experienced challenges with governance, management, and finances. The Local Agency Formation Commission’s 2009 service review of the District identified systemic deficiencies which have intensified since then. These structural deficiencies resulted in mounting challenges with staffing, operations, and general governmental functions.

Before the COVID pandemic the Commission initiated a countywide service review for park and recreation. Upon return to in-person meetings, LAFCO staff notified the Commission that it wished to isolate the Big River CSD due to its unique challenges – dwindling property tax, expiring master lease, and remote location. Subsequently, the Commission directed its staff to conduct a service review of the District.

For this service review, LAFCO staff conducted interviews with the Third Supervisorial District, a representative from the Colorado River Indian Tribes (“CRIT”), County Assessor’s Office, and conducted a site visit with interview to the District.

The District lies within the Colorado River Indian Reservation, which is governed by the CRIT. The master lease which allows non-Indian properties expires in February 2029, and the fate of the non-Indian properties is not fully known – other than the CRIT previously stating that, absent any renewals, land and non-personal property will revert to the CRIT. The circumstance of the Big River Development and the CSD being within the Reservation has resulted in a reduction in assessed value, as determined by the County Assessor. The District experiences dwindling revenues due to four factors:

1. Removal from the tax roll. The San Bernardino County General Plan Land Use Zoning map identifies the Big River area as within “Indian Land”. These lands are outside the governing control of the County Board of Supervisors. Being so, the County Assessor has removed the Indian lands from the tax rolls, as they are tax exempt, as well as sub-leases upon expiration. The Assessor has no information regarding potential lease renewals and defers to the CRIT for further information.
2. Devaluation of possessory interests. The leased lands, also referred to as possessory interests, are assessed on the value of the remaining term. This means that property tax values are declining due to the 2029 lease expiration. As an example, a certain parcel in 2010 had a value of \$256,811 (tax assessed at \$3,079) which in 2023 decreased in value to \$136,400 (tax assessed at \$1,780).
3. County Ordinance for low value parcels. Per County ordinance and Revenue and Taxation Code, most vacant parcels in Big River have an assessable (market value) below the \$7,500 threshold for assessment. These parcels have \$0 assessment.
4. District Assessments. Since the County Tax Collector is issuing fewer property tax bills, the District’s own assessment can no longer be included on the property

tax bill. As a result, the District now collects its own \$59 assessment. This does present challenges though. The Assessor has only address information on active assessed parcels; therefore, it lacks a comprehensive database of all leased lands which potentially could be assessed by the District.

As a part of the 2009 service review, the Commission designated a zero sphere of influence for the District. The Commission based its action on the uncertainty of the District's physical presence and primary funding source past the expiration of the master lease when the balance of the development is likely to revert back to the underlying ownership, the CRIT. It is likely that when the lease reverts back to its underlying ownership this action will remove all property tax funding from the District. Without funding the District would not be able to function properly.

A Bureau of Indian Affairs ("BIA") rule effective 2013 significantly hinders the ability of State and State instruments to collect property taxes on leased lands. Permanent improvements, activities under a lease, and leasehold or possessory interests are not subject to any fee, tax, assessment, levy, or other charge imposed by any State or political subdivision of a State. Instead, permanent improvements, activities under a lease, and the leasehold or possessory interests may be subject to taxation by the Indian tribe with jurisdiction.<sup>1</sup>

The Supplementary Information regarding said BIA rule states that, "Nothing in these regulations is intended to preclude tribes, States, and local governments from entering into cooperative agreements to address these taxation issues, and in fact, the Department [of the Interior] strongly encourages such agreements."<sup>2</sup> LAFCO staff's position is the CRIT should consider entering into cooperative agreements with the County Assessor and the Big River CSD to address taxation and assessment issues.

### **1) Options available for sustainable service delivery.**

By the County Assessor removing parcels from the tax roll, the County Treasurer does not issue a property tax bill. Therefore, the District's assessment cannot be collected by the County Treasurer. For the past two years, the District has been administering its own collection of its assessment. This necessary process involves significant staff time to request and collect payment. Currently, this is the primary means to maintain service delivery. Unfortunately, these funds are not adequate for the District to hire a general manager and fund significant improvements.

The District previously inquired about annexing territory in the hopes of acquiring additional property tax revenues. This is not an option because a transfer of property

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<sup>1</sup> Department of the Interior, Bureau of Indian Affairs, 25 CFR 162, Citation: 77 FR 72440, Document Number: 2012-28926, Published 5 December 2012, Effective 4 January 2013. <https://www.ecfr.gov/current/title-25/chapter-I/subchapter-H/part-162>

<sup>2</sup> Ibid. "Residential, Business, and Wind and Solar Resource Leases on Indian Land". <https://www.federalregister.gov/documents/2012/12/05/2012-28926/residential-business-and-wind-and-solar-resource-leases-on-indian-land#page-72467>



taxes requires a transfer of responsibility for local park and recreation services. Moreover, should the annexing area be a part of the Reservation, then the County Auditor most likely is not assessing that parcel. To the north and south, it is unlikely that the District would expand on the basis that the CRIT would not consent to the expansion of the District's boundaries or sphere of influence into additional CRIT territory.

**2) Options available should the District not be able to provide sustainable service delivery.**

For local park and recreation services, the District is the sole agency in the community. Any transfer of the service responsibility would require the formation of a new entity. It is unlikely that the CRIT would consent to the overlay of a new entity over its territory. Unfortunately, it seems that should the District not be able to function, then there would be no local agency authorized under California law to continue said services. Most likely, the CRIT would assume control of the park and provide services as it deems.

## SECTION 1: Purpose of Service Review

### A. Purpose of Service Review

This service review fulfills the requirements as identified in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56000 et. seq.). LAFCO has a state-mandated role to review the ability of an agency to provide a service, if that service is efficient and effective, and if the agency is accountable for community service needs. Additionally, service reviews evaluate how agencies currently provide municipal services within their service area and the impacts on those services that may occur over the long-term due to population growth and other issues.

The requirement for LAFCOs to conduct service reviews was established as an acknowledgement of the importance of spheres of influence, and recognition that periodic updates of agency spheres should be conducted (§56425[g]) with the benefit of current information available through service reviews (§56430[a]). Service reviews require LAFCO to prepare written statements of six determinations:

1. Growth and population projections for the affected area;
2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence;
3. Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies related to sewers, municipal and industrial water, and fire protection in any disadvantaged unincorporated communities within or contiguous to the sphere of influence;
4. Financial ability of agencies to provide service;
5. Status of, and opportunities for, shared services; and,
6. Accountability for community service needs, including government structure and operational efficiencies.

### B. Objective

The primary objective of this service review is to provide the Commission with recommendations to: (1) update the determinations from the 2009 service review; (2) initiate a sphere of influence update, if appropriate; (3) identify possible reorganization options; and (4) monitor the District if appropriate.

### C. Methodology

Staff referred to a variety of sources for this report, including:

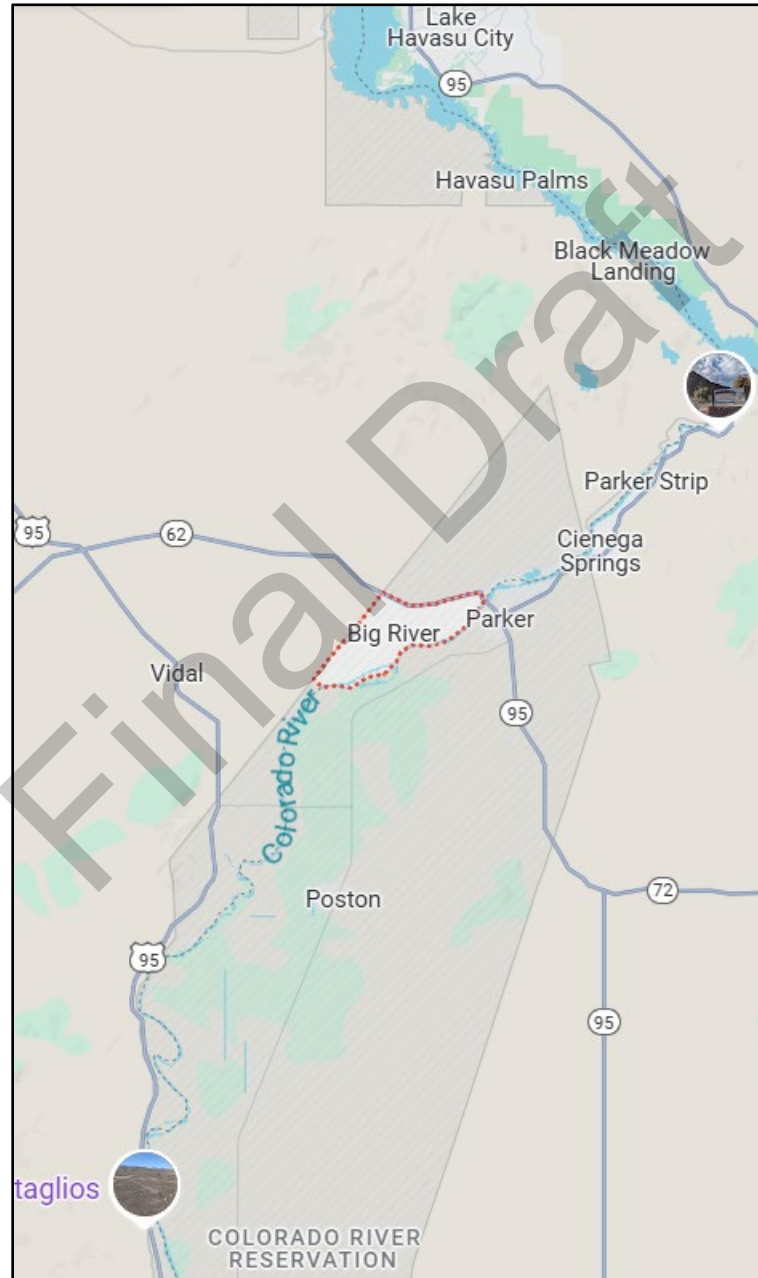
- Previous service review and determinations.

- LAFCO's geographic information system ("GIS") which was used to map Indian territory, County general plan land use designations, disadvantaged unincorporated communities, and demographic/income report.
- State Controller's website on Local Government Financial Data
- Interviews with a representative from the Third Supervisorial District and Colorado River Indian Tribes
- LAFCO outreach , including:
  - Site visit and interviews
  - Providing a working copy of the service review for review and comment;
  - Notice of the LAFCO hearing to stakeholders and interested parties which was posted on the LAFCO website;
  - LAFCO staff report, along with the first draft, which were provided to all agencies, stakeholders, and interested parties and posted on the LAFCO website.

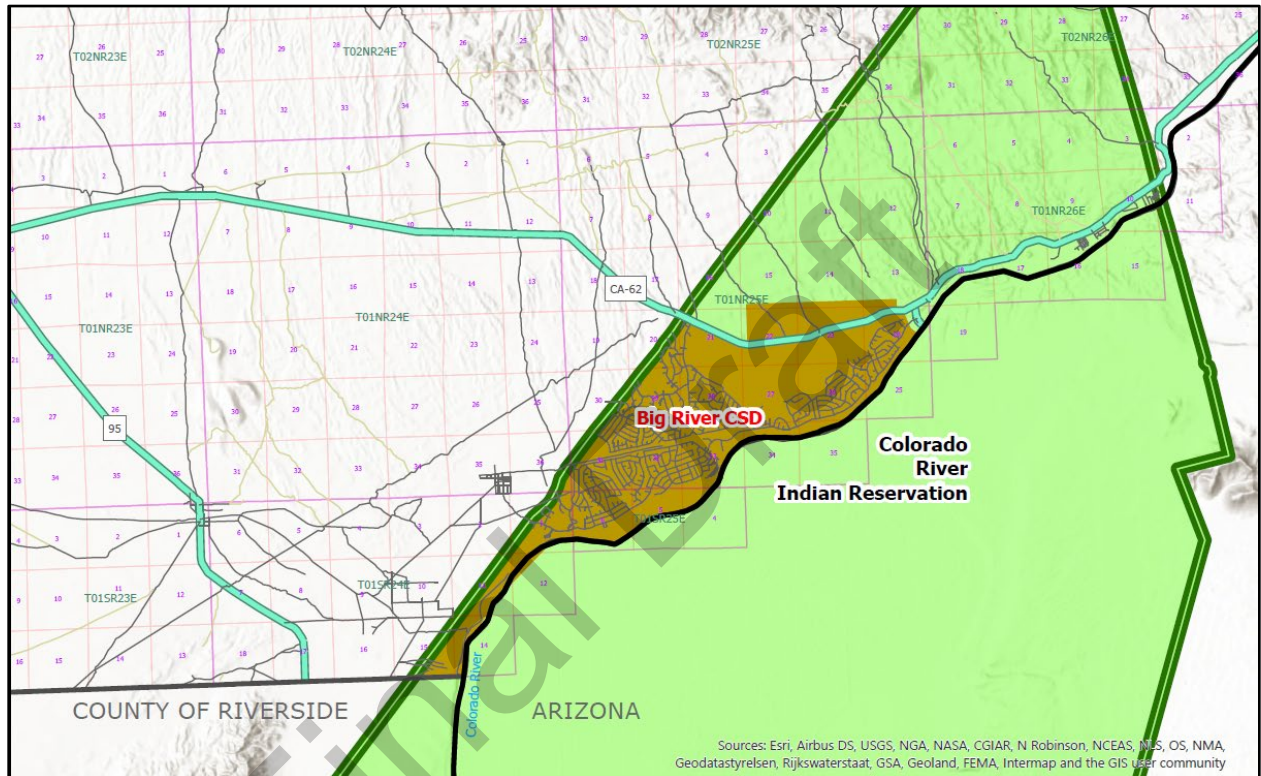
## SECTION 2: Big River History

### A. LOCATION:

Big River is located generally near the southeast corner of San Bernardino County along the Colorado River. The community is south of Lake Havasu City, AZ and CA Highway 62; west of the state line; north of the Riverside County line; and east of U.S. Highway 95. The map below shows the general location of the community.



As shown on the map on page 8, the community is within the Colorado River Indian Tribe (CRIT) reservation. The map below shows the CRIT reservation as well as the boundaries of the Big River CSD. The CRIT reservation is identified by green outline, and the Big River CSD is overlaid in brown. As identified on the map, the CRIT reservation is primarily in Arizona and extends into San Bernardino and Riverside Counties in California.



The Big River community is served by multiple public agencies. The public agency providing direct services to the residents and landowners within the community is the Big River Community Services District (park and recreation). Regional service providers include Mojave Desert Resource Conservation District, San Bernardino County Fire Protection District and its South Desert Service Zone, and San Bernardino County Flood Control District. The CRIT provided consent in 2007 to the overlay of the San Bernardino County Fire Protection District (LAFCO 3000 – County Fire Reorganization).

## **B. COMMUNITY HISTORY:**

Big River is primarily comprised of residential, recreation, and vacant lands. Historically, the Indians of the Colorado River Tribes have made Big River their home, but through the development of one of the earliest planned unit developments the community has grown to include a non-native population. The community was developed by the Colorado River Company primarily in the late 1960s, 70s and early 80s. The seasonal

population increases in the winter as those seeking a warmer climate migrate south and in the summer due to the Colorado River's attractiveness for water activities.

A brief history of the major governance events shaping the community is described below:

- 1865      The Colorado River Indian Reservation ("Reservation") was established as an act of Congress.
- 1870s     The Reservation boundaries were expanded and clarified by executive orders issued in 1873, 1874, and 1876. The description of the northwest boundary of the Reservation in these orders refers to fixed monuments, rather than the changeable course of the Colorado River.
- 1964      As a part of the development proposal for the lands in the Big River area, the Central California Land Development Company (the original developer of the planned unit development), entered into a master lease agreement in 1964 with the Secretary of the Interior, on behalf of the Colorado River Indian Tribes. The master lease agreement designates the Central California Land Development Company as prime lessee with authority to divide the lands into leasehold estates. The master lease further allows the developer to execute, sell, and transfer property rights in the leasehold estates. The master lease is for a term of sixty-five years which will expire in 2029.

The Act of April 30, 1964 fixed the Reservation boundaries and confirmed CRIT's beneficial title to the land.

- 1976      In April 1976, the Big River Property Owners Association submitted an application, with a signed petition determined to represent 48% of the registered voters within the Big River community (224 voters) to initiate the formation of a community services district. The application states that formation of the district would provide for an orderly transfer from the development company, the Colorado River Company, administration to local government control for specific services. LAFCO reviewed and considered the application for formation of Big River CSD (LAFCO 1604) and approved the formation. The County Board of Supervisors placed the question of the formation of the Big River CSD (District) and on December 13, 1976 the voters approved the formation by a vote of 137 to 35. At the time of its formation, the district encompassed 14 square miles, was authorized to perform the full range of services available under its principal act at the time, and was authorized to levy a tax rate of up to \$1.00 per \$100 of assessed valuation on the leasehold interests.

At the same time, LAFCO processed an application to annex the Big River and Parker Dam communities to County Service Area 38 ("CSA 38") in order to receive fire protection services from the County (LAFCO 1614). The application also included the formation of an improvement zone to CSA 38 (formed as Zone J) to fund the service which included a supplemental tax rate. The Big River CSD formation proponents favored the annexation to

CSA 38, and the Departmental Review Committee recommended that the CSA 38 annexation boundaries be adjusted to conform to those of the new proposed CSD in the Big River area. The annexation for CSA 38 was approved as modified.

As a part of the processing for the above proposals, LAFCO staff provided the CRIT with information regarding the proposals and requested a response indicating their position on the proposed actions. LAFCO received the CRIT's response opposing the Big River CSD formation after LAFCO and the County Board of Supervisors' placed the matter on the ballot.

- 1978 The Big River Property Owners Association submitted an application for detachment of the community from the Needles Desert Communities Hospital District and Needles Cemetery District (LAFCO 1810). The LAFCO staff report for this proposal states that although the community was taxed by these districts, they did not serve Big River to any significant degree. Most residents indicated that they received hospital and/or burial services from agencies in Parker Arizona rather than Needles. Even though the districts opposed the proposal, the Commission approved the detachments on the basis that it would not affect the districts' services and neither district showed that they did indeed provide direct service to the Big River community.
- 1982 LAFCO initiated and approved the sphere of influence establishment for the District as coterminous with its boundaries (LAFCO 2205).
- 1996/97 Within the Big River planned unit development, all lands owned by the CRIT were removed from the tax and assessment rolls in 1996 which also removed them from paying the ad valorem property tax or Big River CSD assessments. In 1997 the CRIT purchased the interest of the Big River Development Company (the successor to the Central California Land Development Company) and created Big River Development Enterprise (BRDE) an Arizona corporation. The BRDE exists as an instrumentality of the CRIT but operates as a separate business enterprise created under tribal law. In turn, the leasehold interests in the name of Big River Development and/or the Central California Land Development Company were transferred to the BRDE and removed from the tax rolls.
- 2005/06 LAFCO staff apprised all the community services districts within the County of the rewrite of Community Services District Law (Senate Bill 135 [Kehoe]), effective January 1, 2006. The update of CSD Law included the new provisions related to governance and latent powers for community services districts. One provision specific to Big River CSD was the enforcement of covenants, conditions, and restrictions. Government Code Section 61105 (e) states that a community services district that was authorized to enforce covenants, conditions, and restrictions under the old 1995 CSD Law, but did not use that power, cannot enforce covenants, conditions, and restrictions under the new CSD Law. Big River CSD is one of those districts.

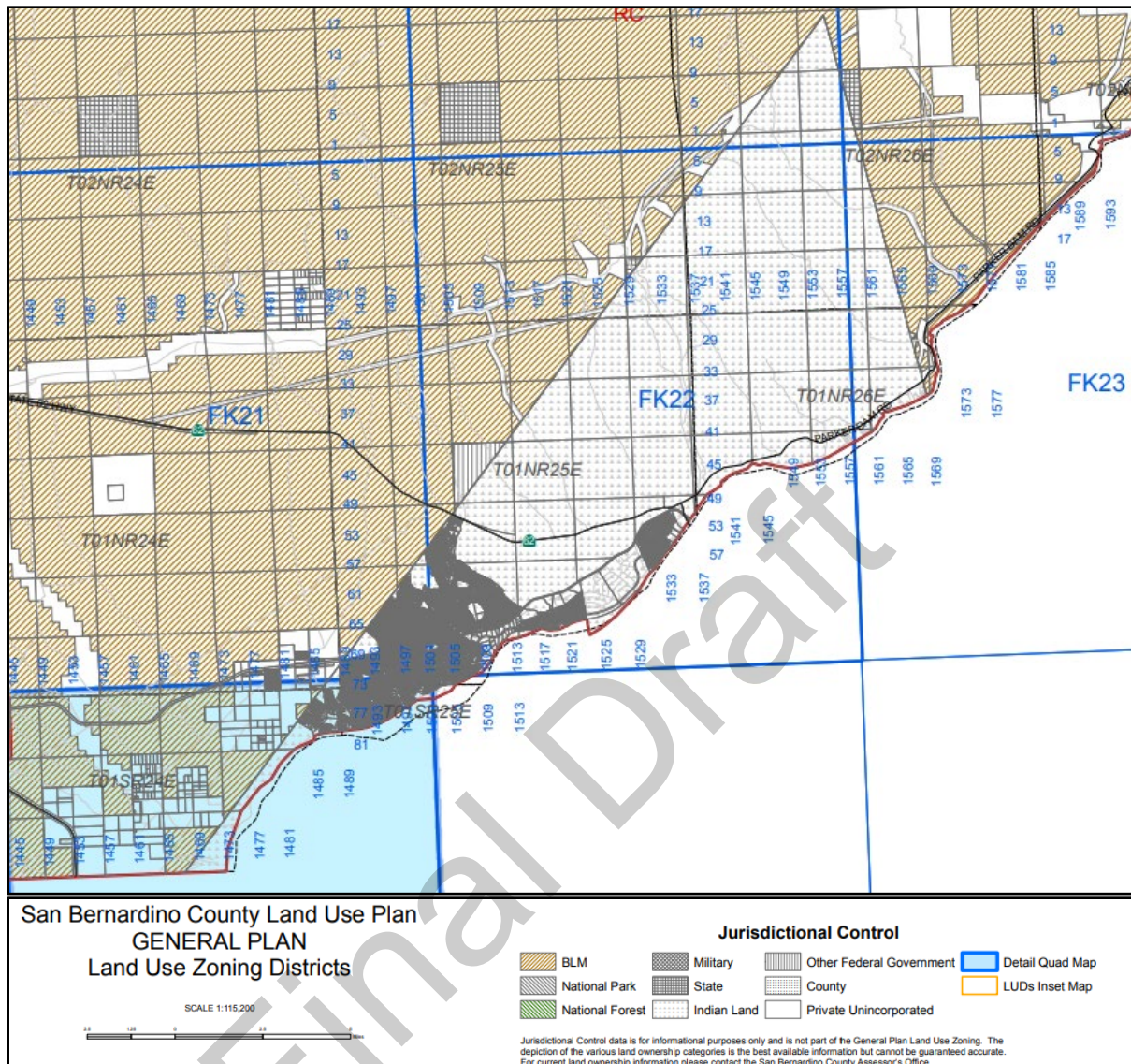


2007/08 Pursuant to the reorganization of County Fire (LAFCO 3000), County Service Area 38 Improvement Zone J (Big River) was dissolved (effective July 1, 2008) and its general ad valorem property tax revenues were transferred to the South Desert Service Zone of County Fire for continued funding of fire services. The transfer of taxes applied only to the leaseholds not previously removed from the tax rolls. Because the County Fire Reorganization included tribal sovereign lands, consent was required from the CRIT with no opposition from the Bureau of Indian Affairs. Through resolution, the CRIT consented to the overlay.

### **C. CRIT RESERVATION**

The crux of the issue is that the Big River CSD is located on Indian lands and the determination of its future based upon its unique status of receiving its revenues through leaseholds terminating in 2029.

The San Bernardino County General Plan Land Use Zoning map below identifies the Big River area as within "Indian Land". These lands are outside the governing control of the County Board of Supervisors.



Within the Big River planned unit development, all lands owned by the CRIT were removed from the assessment rolls in 1996 and pay no property tax or assessments. LAFCO staff inquired into the process for the removal from the assessment rolls, and in a letter dated December 9, 2008 from the CRIT they state that the properties were removed from the assessment rolls in an informal manner. This process was verified by County Assessor representatives in 2009. Since that time, the process for removal from the assessment rolls is through forwarding the expiring sub-lease documents to the County Assessor for processing.

For those parcels that have possessory interests that are recorded, these possessory interests are on the assessment rolls and pay property taxes or assessments. At a meeting with LAFCO staff on September 10, 2008, CRIT representatives identified that in 2029 the balance of the development would revert to the underlying ownership – the CRIT. This includes the developed portion of the Big River Park. If the CRIT actions in

the past are maintained, this action would remove all property tax funding from the District. The District does issue and collect its assessment through its own process.

A Bureau of Indian Affairs rule effective 2013 significantly hinders the ability of State and State instruments to collect property taxes on leased lands. Permanent improvements, activities under a lease, and leasehold or possessory interests are not subject to any fee, tax, assessment, levy, or other charge imposed by any State or political subdivision of a State. Instead, permanent improvements, activities under a lease, and the leasehold or possessory interests may be subject to taxation by the Indian tribe with jurisdiction.<sup>3</sup>

The Supplementary Information regarding said BIA rule states that, “Nothing in these regulations is intended to preclude tribes, States, and local governments from entering into cooperative agreements to address these taxation issues, and in fact, the Department [of the Interior] strongly encourages such agreements.”<sup>4</sup> LAFCO staff’s position is the CRIT should consider entering into cooperative agreements with the County Assessor and the Big River CSD to address taxation and assessment issues.

#### **D. SPHERE OF INFLUENCE AND 2009 SERVICE REVIEW**

As a part of the 2009 service review, the Commission designated a zero sphere of influence for the District. The Commission based its action on the uncertainty of the District’s physical presence and primary funding source past the expiration of the master lease when the balance of the development is likely to revert back to the underlying ownership, the CRIT. It is likely that when the lease reverts back to its underlying ownership this action will remove all property tax funding from the District. Without funding the District would not be able to function properly and warrants assigning a zero sphere of influence.

Government Code Section 56076 defines a sphere of influence as a “plan for the probable physical boundaries and service area of a local agency, as determined by the commission”. The Commission’s action did not affect the District’s current boundary or the services it actively provides as authorized by the Commission. Rather, it signaled the Commission’s position that the District should be dissolved upon the expiration of the master lease, given the likelihood of the removal of its primary funding source.

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<sup>3</sup> Department of the Interior, Bureau of Indian Affairs, 25 CFR 162, Citation: 77 FR 72440, Document Number: 2012-28926, Published 5 December 2012, Effective 4 January 2013. <https://www.ecfr.gov/current/title-25/chapter-I/subchapter-H/part-162>

<sup>4</sup> Ibid. “Residential, Business, and Wind and Solar Resource Leases on Indian Land”. <https://www.federalregister.gov/documents/2012/12/05/2012-28926/residential-business-and-wind-and-solar-resource-leases-on-indian-land#page-72467>

### **SECTION 3: Options for Sustainability**

It is well documented that the District, despite good intentions, has struggled for many years to provide adequate services and has fallen short due to staffing, financial and other issues.

#### **1. Options available for sustainable service delivery.**

By the County Assessor removing parcels from the tax roll, the County Treasurer does not issue a property tax bill. Therefore, the District's assessment cannot be collected by the County Treasurer. For the past two years, the District has been administering its own collection of its assessment. This necessary process involves significant staff time to request and collect payment. Currently, this is the sole option to maintain service delivery. Unfortunately, these funds are not adequate for the District to hire a general manager and fund significant improvements.

The District previously inquired about annexing territory in the hopes of acquiring additional property tax revenues. This is not an option because a transfer of property taxes requires a transfer of responsibility for local park and recreation services. Moreover, should the annexing area be a part of the Reservation, then the County Auditor most likely is not assessing that parcel. To the north and south, it is unlikely that the District would expand on the basis that the CRIT would not consent to the expansion of the District's boundaries or sphere of influence into additional CRIT territory.

#### **2. Options available should the District not be able to provide sustainable service delivery.**

For local park and recreation services, the District is the sole agency in the community. Any transfer of the service responsibility would require the formation of a new entity. It is unlikely that the CRIT would consent to the overlay of a new entity over its territory. Unfortunately, it seems that should the District not be able to function, then there would be no local agency authorized under California law to continue said services. Most likely, the CRIT would assume control of the park and provide services as it deems.

## SECTION 4: Service Review

### 1. Growth and population projections for the affected area

Big River is primarily a recreational and retirement community that is comprised of residential, recreation, and vacant lands. There is some commercial activity which includes car repair, storage units, church, beauty shop, and several restaurants. The figure shows that the population has decreased from 2010 to 2020 but has stabilized through 2024. Further, households, particularly owner-occupied households, decreased significantly from 2010 to 2020.

Profile	2010 Census	2020 Census	2024 Est.
Population	1,341	1,070	1,052
Households	668	545	548
Owner-Occupied	547	444	447
Renter-Occupied	121	101	101

Source: ArcGIS Business Analyst

### 2. Location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence

In 2009 the Commission designated a zero sphere of influence for the District. For the purposes of this determination, the District's boundary will be used in lieu of a sphere of influence.

#### A. Definition

The state requires that service reviews identify and describe the characteristics of disadvantaged communities.

The State of California adopted a definition of disadvantaged community through passage of Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002. This measure added §79505.5(a) to the California Water Code and defines a disadvantaged community as a "community with an annual median household income that is less than 80 percent of the statewide annual median household income." For 2021, 80% of the statewide median household income is \$60,188.<sup>5</sup> State law requires various entities (i.e. LAFCO, cities and counties, and water agencies) to, in some manner, identify disadvantaged communities, which can be in both incorporated and unincorporated areas.

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<sup>5</sup> LAFCO policy is to update disadvantaged communities every five years, in years ending in 1 and 6. The next update will be in 2026.



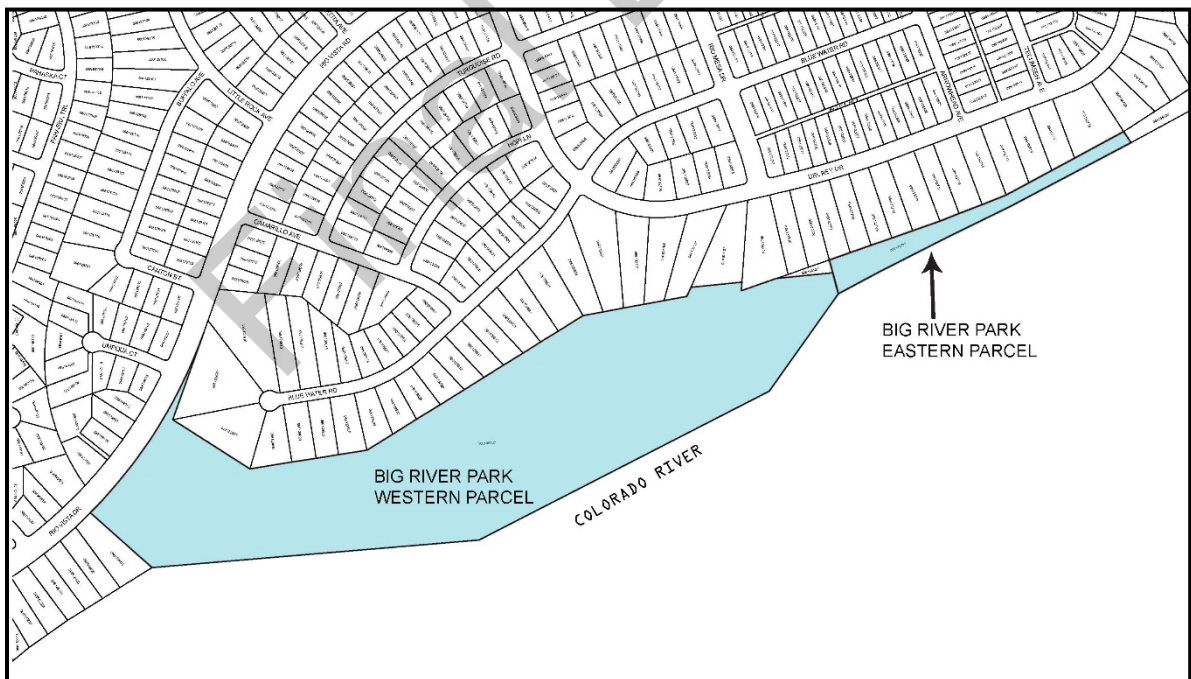
The table below is the community profile:

Characteristics	Big River
Area, sq. miles	14
Population (2024)	1,052
Households (2024)	548
Median Household Income	\$47,211
Characteristics	Natural desert setting along the river, rural lifestyle, wide open spaces and natural features. There is very little commercial or industrial development.

Source: ESRI Community Analyst

### 3. Present and planned capacity of public facilities and adequacy of public services

The sole active service that the CSD provides is park and recreation. The District maintains the “Big River Park” which includes a clubhouse, gazebo, open grass areas, picnic facilities, and two boat launch ramps. The clubhouse is for use by those within the community and is the meeting place for Alcoholics Anonymous meetings, the local garden club, wedding receptions, and other group activities. Recreational activities include youth activities during Christmas, Easter, and Halloween. Big River Park is located on the bank of the Colorado River and is comprised of two parcels as shown on the map below.



The eastern parcel comprises three acres and is an open space area for park and recreation activities. According to the County assessment rolls, this parcel is owned by the Colorado River Indian Reservation with Big River CSD having a leasehold

possessory interest. The western parcel comprises approximately 40 acres and contains the clubhouse, pagoda, and boat ramps. According to the County assessment rolls, this parcel is owned by the Colorado River Indian Reservation. Unlike the eastern parcel, the western parcel does not have a leasehold possessory interest in the name of the Big River CSD. LAFCO staff is of the understanding that it was the intent at the time of the District's formation that both of these parcels were to be transferred to the District. According to the 2009 service review and the District's formation documents, the documents to transfer the leaseholds to the District were recorded by the County. However, the County assessment rolls do not reflect the transfer of the western parcel (identified as parcel #1 in the recorded documents) which remains in the name of the Colorado River Indian Reservation. Nonetheless, the District has operated the Big River Park utilizing both parcels since its formation.

#### **4. Financial ability of agencies to provide service**

Due to financial challenges, the District has not contracted with an independent auditor to conduct an independent audit for many years. As stated throughout this report, the root cause of the District's challenges is lack of general levy property tax assessments by the County Assessor which results in fewer property tax revenues for the District. This presented the District with tough choices - a true dilemma – with undesirable outcomes of either paying roughly 15% of the annual budget on an audit or complying with the Government Code. Another reason for the lack of audits is the lack of open operations due to the COVID pandemic, whereby the overlaying CRIT governing body limited the open activities at the park, leading to limited staffing which led to lack of proper filings. According to the District, it has been organizing the District's finances and states that the files are now in an acceptable format for inspection.

LAFCO discussed with the District and County Auditor on the possible paths that the CSD and the County Auditor could take to conduct the backlog of audits. Pursuant to Government Code Section 26909, the County Auditor is responsible for the conduct of audits of independent special districts when the districts themselves fail to have them performed. However, the law specifies that the costs be borne by the special district. Therefore, this path does not promote the conduct of audits.

A second option that Gov Code 26909 allows is for financial reviews to be conducted in lieu of financial statements. To utilize this provision, Gov Code 26909 identifies four requirements:

1. Unanimous approval of the district board of directors and county board of supervisors.
2. All of the special district's revenues and expenditures are transacted through the county's financial system.
3. The special district's annual revenues do not exceed one hundred fifty thousand dollars (\$150,000).



4. The special district shall pay for any costs incurred by the county auditor in performing a financial compilation. Those costs shall be a charge against any unencumbered funds of the district available for that purpose.

Exclusive of Requirement #1 which has not been considered yet, the one requirement that the CSD does not meet is #2 – it does not use the county's financial system for all revenues and expenditures.

Revenue Category	2017	2018	2019	2020	2021	2022	2023
Property Assessments	71,799	64,793	67,261		45,032	52,032	60,062
Other Taxes and Assessments	4,126	3,607	552		430	32,100	46,244
Property Tax, 1%	18,606	20,717	17,527		28,197	28,120	31,841
Charges for Services	7,661	8,738	7,497		8,634	15,000	16,959
Rents, Leases, Concessions	3,431	2,937	2,600			9,312	3,600
Homeowners Property Tax Relief	192	174	157		115	110	110
<b>TOTAL</b>	<b>105,815</b>	<b>100,966</b>	<b>95,594</b>	<b>-</b>	<b>82,408</b>	<b>136,674</b>	<b>158,706</b>
Expenditure Category	2017	2018	2019	2020	2021	2022	2023
Services and Supplies	48,693	36,061	38,845		61,218	74,392	60,712
Salaries and Wages	51,387	49,393	52,026		45,733	46,000	33,759
Employee Benefits	16,398	14,765	8,974		9,874	9,874	4,324
Other	169	-					
<b>TOTAL</b>	<b>116,647</b>	<b>100,219</b>	<b>99,845</b>	<b>-</b>	<b>116,825</b>	<b>130,266</b>	<b>98,795</b>
<b>Revenues - Expenditures</b>	<b>(10,832)</b>	<b>747</b>	<b>(4,251)</b>	<b>-</b>	<b>(34,417)</b>	<b>6,408</b>	<b>59,911</b>

#### 5. Status of, and opportunities for, shared services

The District has indicated that it does not currently share facilities with other public agencies.

#### 6. Accountability for community service needs, including government structure and operational efficiencies

##### A. Governmental Structure

Big River CSD is an independent district and is governed by a five-member board of directors. Representation on the board of directors is at-large and members are voted by the electorate or are appointed by the County Board of Supervisors.

The District lacks the funds to hire a general manager.

Office hours are Friday and Saturday from 8am until 12pm. The park is open each day from 8am until 8pm.

**Sources:**

Big River Community Services District  
Site Visit and Interview, July 2023

California State Controller  
By the Numbers, Local Government Financial Data  
Accessed 28 October 2024

LAFCO  
Fiscal Indicators Program  
LAFCO 3102 – Service Review and Sphere of Influence Update for Big River  
Community Services District (2009)

San Bernardino County  
Interview, Third Supervisorial District, 7 September 2023  
Information provided by County Assessor Office, 6 November 2024

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## 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 ♦ **Email:** [tda@tdaenv.com](mailto:tda@tdaenv.com) ♦ **Web:** [tdaenvironmental.com](http://tdaenvironmental.com)



November 8, 2024

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

Dear Sam:

The Local Agency Formation Commission (LAFCO) Staff has prepared a Service Review for the Big River Community Services District (District or CSD) (LAFCO 3272) located along the Colorado River. This review encompasses the District's Park and Recreation services provided to residents of the Big River Community. Fundamentally, the Commission's Staff review of the CSD is bleak as the existing District is receiving dwindling property tax, an expiring master lease with the Colorado River Indian Tribes (CRIT), and other bureaucratic constraints that do not affect most service agencies. Regardless, the CSD's service review does not require a formal decision by the Commission. Instead, these reviews are accepted and filed by the Commissioners, and only when specific actions (recommendations with physical consequences) are proposed in the future are actual decisions considered that could have potential effects on the physical environment.

Therefore, after careful review of the Big River CSD Service Review, I am recommending that the Commission consider the adoption of a "Common Sense" Exemption. I recommend that the Commission find that an Exemption (as defined in CEQA) applies to this Service Review under Section 15061 (b) (3) of the State CEQA Guidelines, which states: "The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." It is my opinion, and recommendation to the Commission, that this circumstance (certainty of no significant environmental impact) applies to the Big River Community Services District Service Review.

Based on this review of the pertinent sections of CEQA and the State CEQA Guidelines, I conclude that the upcoming CSD Service Review does not constitute a project under CEQA and adoption of Common Sense Exemption and filing of a Notice of Exemption is the most appropriate environmental determination to comply with CEQA for this action. The Commission can choose to receive the review and findings for this action and I

recommend that you notice the Big River Community Services District Service Review (LAFCO 3272) as exempt from CEQA for the reasons outlined in the State CEQA Guideline section cited above. The Commission needs to file a Notice of Exemption with the County Clerk to the Board for this action once the hearing is completed.

A copy of this exemption recommendation should be retained in LAFCO's project file to serve as verification of this evaluation and as the CEQA environmental determination record. If you have any questions, 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

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

1601 E. 3<sup>rd</sup> Street, Suite 102, San Bernardino, CA 92415-0490  
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**PROPOSAL NO.: LAFCO 3272**

**HEARING DATE: NOVEMBER 20, 2024**

## **RESOLUTION NO. 3411**

### **A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO 3272 – SERVICE REVIEW FOR THE BIG RIVER COMMUNITY SERVICES DISTRICT.**

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

**WHEREAS**, a service review mandated by Government Code 56430 has been conducted by the Local Agency Formation Commission for San Bernardino County (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,

**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**, a public hearing by this Commission was called for November 20, 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 opposition; the Commission considered all 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 service review, in evidence presented at the hearing; and,

**WHEREAS**, at this hearing, this Commission certified that the service review is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) and such exemption was adopted by this Commission on November 20, 2024. The Commission directed its Executive Officer to file a Notice of Exemption within five working days of its adoption; and,

**RESOLUTION NO. 3411**

**WHEREAS**, the determinations required by Government Code Section 56430 and local Commission policy are included in the service review prepared and submitted to the Commission dated November 13, 2024 and was recommended for acceptance and filing by the Commission on November 20, 2024, a complete copy the service review is on file in the LAFCO office.

**WHEREAS**, the following additional determinations are made in conformance with the Government Code and local Commission policy:

- As required by State Law, notice of the hearing was provided through publication in newspapers of general circulation within the area, *Needles Desert Star*. Individual notice was not provided as allowed under Government Code Section 56157 as such mailing would include more than 1,000 individual notices. As outlined in State Law and Commission Policy, in-lieu of individual notice the notice of hearing publication was provided through an eighth page legal ad.
- As required by State law, individual notification of the hearing was provided to affected and interested agencies, County departments, and those agencies and individuals requesting mailed notice.
- A first draft of the service review document was released to all affected agencies on November 7, 2024.
- The final draft of the service review was released on November 13, 2024 to all parties as well as the Commission and posted on the LAFCO website.
- Comments from the public and any affected agency will be reviewed and considered by the Commission in making its determinations.

**NOW, THEREFORE, BE IT RESOLVED** by the Local Agency Formation Commission for San Bernardino County, State of California, that this Commission shall:

1. For environmental review, certify that the service review is exempt from environmental review and direct the Executive Officer to file the Notice of Exemption within five (5) days.
2. Accept and file the Service Review for the Big River Community Services District which sets forth the written statements for the six determinations outlined in Government Code Section 56430 made by the Commission.

**THIS ACTION APPROVED AND ADOPTED** by the Local Agency Formation Commission for San Bernardino County by the following vote:

**AYES: COMMISSIONERS:**

**NOES: COMMISSIONERS:**

**ABSENT: COMMISSIONERS:**

\*\*\*\*\*

RESOLUTION NO. 3411

STATE OF CALIFORNIA                    )  
  ) ss.  
COUNTY OF SAN BERNARDINO )

I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission, by vote of the members present, as the same appears in the Official Minutes of said Commission at its meeting of November 20, 2024.

DATED:

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SAMUEL MARTINEZ  
Executive Officer



# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** NOVEMBER 13, 2024  
**FROM:** SAMUEL MARTINEZ, Executive Officer  
MICHAEL TUERPE, Assistant Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #9: First Quarter Financial Review for FY 2024/25

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## **RECOMMENDATION:**

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

## **SUMMARY:**

### **1. Budget Markers**

The first quarter of Fiscal Year 2024/25 has concluded and staff is presenting the Commission with its first financial report. This report includes a review of the financial activities and the presentation of a spreadsheet (Attachment #1) showing the line item expenditures and revenues during the period. The summary table below shows that Total Expenditures are slightly below First Quarter markers. For Revenues, as of the First Quarter not all the Apportionment receipts were received; however, all have been received as of October 31. Fees and Deposits represent 14% of projections through the first quarter and increased to 20% through October. The table below is a snapshot through the quarter.

Expenditures		Revenues	
Salaries and Benefits (below appropriations)	21%	Apportionment (below goal)	67%*
Services and Supplies (above appropriations)	31%	Fees and Deposits (below goal)	14%**
<b>TOTAL</b>	<b>24%</b>	<b>TOTAL</b>	<b>62%</b>

\* 100% as of October 31

\*\* 20% as of October 31

## 2. Applications

The table below identifies the number of proposals and service contracts received. When taking activity that the Commission approves (proposals and one category of service contracts), zero of ten have been received through the first quarter (0%).

Activity	Budget	THRU	Q1
		No.	% of Budget
Commission: Proposals	6	0	0%
Commission: Service Contracts	4	0	0%
Administrative: Service Contracts	4	5	125%

## 3. Cash in Treasury

As of September 30, the Commission's cash in the County Treasury was \$1,159,141. A breakdown of this amount is shown below. After accounting for reserves and the remaining budget, at this time the year is projected to end with a positive cash carryover. However, staff will refine this figure with subsequent financial updates.

<b>Sept 30, 2024 Balance</b>		<b>\$1,159,141</b>
<b>Cash Balance is composed of the following:</b>		
<b><i>Reserves: Committed (constrained to specific purposes)</i></b>		
Compensated Absences (Account 6030)		182,562
Salary for Extra Pay Period: Year 4 of 10 (Account 6035)		12,000
<b><i>Reserves: Assigned (intended for specific purposes)</i></b>		
Contingency (Account 6000)		40,000
Application (Account 6010)		110,000
General (Account 6025)		235,000
<b><i>Remaining Activity</i></b>		
Open Proposals, Deposits on File		21,735
Assigned for Office Move		60,000
Revenues (shown as negative)		(508,359)
Expenditures		980,880
<b>Projected Additional Cash Carryover</b>		<b>\$25,324</b>

### DETAIL:

The following provides a discussion of (1) expenditures, (2) reserves, (3) projects and programs, and (4) revenues.

## 1. **Expenditures**

Expenditures are composed of two categories of accounts: 1) Salaries and Benefits, and 2) Services and Supplies. Through the first quarter, expenditures were at 24% of Approved Budget authority. No request is being presented, at this time, by staff for authorization to utilize funds maintained in the Contingency or Reserve accounts. A more detailed analysis of the categories is as follows:

### A. Salaries and Benefits (1000 series)

#### *(1) First Quarter Activity*

The Salaries and Benefits series of accounts (1000 series) had expenditures of \$174,990, representing 21% of Approved Budget authority. The quarter mark should be closer to 25%. However, the second quarter will have an extra pay period so the mid-year should be closer to the 50% mark.

#### *(2) Anticipated Activity*

At this time, no additional activity is anticipated outside of the budget.

### B. Services and Supplies (2000 and 5000 series)

#### *(1) First Quarter Activity*

For the first quarter, the Services and Supplies series of accounts (2000 and 5000 series) had expenditures of \$122,946, or 31% of Approved Budget authority. The first quarter mark should be close to 30% due to full-year and one-time payments that occur at the beginning of the fiscal year. Most of the invoices for the move were not received until later in the quarter, and payment for these invoices will be reflected in the second quarter.

#### *(2) Anticipated Activity*

Currently, staff does not anticipate any unbudgeted activity.

## 2. **Reserves**

No spending activity has been requested by staff or authorized by the Commission to take place in the Reserve accounts during the first quarter. Reserve balances are shown in the Cash Balance figure on page 2.

## 3. **Projects and Programs**

The following provides an update on expenditures and progress on projects approved by the Commission.

**A. Office Move**

The Commission allocated \$60,000 for the move from the train station to the airport. The move was completed on-time, under budget, and within the scope authorized. Expenditures are composed of the following:

- Furniture and moving services. \$35,845
- IT. \$14,977

**B. Service Reviews and Special Studies**

The focused service review the Big River Community Services District is scheduled for this November meeting. Additionally, staff began work on the Healthcare District review, which is anticipated by April 2025. The Little Hoover Commission identified systemic concerns regarding healthcare districts, but the Commission delayed this service review due to the pandemic because health agencies were facing extra ordinary burdens.

**C. Governance Training Program**

LAFCO and CSDA are partnering on this year's Governance Training sessions. The first session, *Special District Finances, Part II*, will be held at the Mojave Water Agency in January. The second session is *Meeting Management Through Parliamentary Procedure*, and will be held in April.

**D. Fiscal Indicators Program**

Staff is currently formulating the new application which includes a new design, better mobile accessibility, and replacement of certain indicators with more relevant indicators. Although there are nominal costs related to services and supplies, costs for this program mainly relate to LAFCO staff time.

**4. Revenues**

The Commission has received 62% of Adopted Budget revenues through the first quarter. The items below outline the revenue activity:

- Interest (Account 8500) – The County made an interest adjustment in August of \$9,176. This is roughly half of the interest adjustment from last year. Staff will monitor the gains received in the second quarter.
- Apportionment (Account 8842) - The mandatory apportionment payments from the cities and independent special districts billed by the County Auditor have been received. The County's share was received in October.
- Fees and Deposits (Accounts 9545 – 9800) – Through the first quarter, the Fees and Deposits series of accounts received 14% of its budgeted revenue (\$15,482). This amount is made up of a combination of application fees, service contract filing fees, and cost recovery.

## **CONCLUSION:**

For the first quarter, total expenditures are below the quarter mark. However, the second quarter contains an additional pay period and invoices anticipated for receipt in the first quarter but received in the second quarter have been promptly processed. 100% of the apportionment receipts were received (through October), and proposal revenue is below expectation.

Staff will be happy to answer any questions from the Commission prior to or at the hearing regarding the items presented in this report.

SM/MT

Attachment: Spreadsheet of Expenditures, Reserves, and Revenues

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 23/24	APPROVED BUDGET FY 24/25	JULY	AUG	SEPT	AMOUNT THRU Q1	PERCENT THRU Q1
	<b>Salaries and Benefits:</b>							
1010	Earnable Compensation	482,198	529,170	35,530.02	38,576.70	37,794.15	111,901	21%
1030	Auto and Cell Phone Allowances	9,132	9,275	700.00	700.00	700.00	2,100	23%
1045	Termination Payment	-	-				-	
1110	General Member Retirement	144,520	146,892	10,337.60	10,845.60	10,434.10	31,617	22%
1130	Survivors Benefits	96	101	7.28	7.20	7.20	22	21%
1200	Medical Premium Subsidy	50,565	60,784	4,010.52	4,282.82	4,282.82	12,576	21%
1205	Long-Term Disability	1,337	1,515	104.18	108.54	108.54	321	21%
1207	Vision Care Insurance	625	674	47.92	47.92	47.92	144	21%
1215	Dental Insurance Subsidy	998	1,112	76.52	76.52	76.52	230	21%
1222	Short-Term Disability	5,054	5,817	386.52	403.32	403.32	1,193	21%
1225	Medicare	5,674	6,683	424.95	444.24	453.81	1,323	20%
1240	Life Insurance & Medical Trust Fund	14,907	16,483	1,145.94	1,196.42	1,196.86	3,539	21%
1305	Medical Reimbursement Plan	2,743	3,962	211.70	215.08	218.46	645	16%
1314	457/401a Contribution	3,230	3,551	248.30	259.48	259.48	767	22%
1315	401k Contribution	36,239	38,991	2,786.96	2,912.36	2,912.36	8,612	22%
<b>Total Salaries and Benefits</b>		<b>\$ 757,318</b>	<b>\$ 825,010</b>	<b>\$ 56,018.41</b>	<b>\$ 60,076.20</b>	<b>\$ 58,895.54</b>	<b>\$ 174,990</b>	<b>21%</b>
	<b>Services and Supplies:</b>							
2031	Payroll System Services (County IT)	727	756		87.24	58.16	145	19%
2032	Virtual Private Network (County IT)	216	129		10.72	10.72	21	17%
2033	Network Labor Services (County IT)	-	-				-	
2037	Dial Tone (County IT)	2,998	2,955	-	246.24	246.24	492	17%
2041	Data Line	7,767	8,400	1,298.76		1,298.76	2,598	31%
2075	Membership Dues	13,936	14,224	12,509.00			12,509	88%
2076	Tuition Reimbursement	-	2,000				-	0%
2080	Publications	3,507	4,064	633.36		690.36	1,324	33%
2085	Legal Notices	12,139	23,500	3,240.54	(1,548.13)	5,015.00	6,707	29%
2090	Building Expense	12,344	8,923	960.00	588.00	673.00	2,221	25%
2115	Software	9,425	3,591			1,023.00	1,023	28%
2180	Electricity	6,366	7,800	719.18	784.59	794.32	2,298	29%
2245	Other Insurance	13,220	19,265	12,611.53			12,612	65%
2305	General Office Expense	5,664	2,260	(486.30)	23.40	1,274.20	811	36%
2308	Credit Card Clearing Account	(312)	-	(759.69)	10,488.66	(10,488.66)	(760)	
2310	Mail (County Mail)	9,095	8,344	2,597.73	144.95		2,743	33%
2315	Records Storage	1,397	1,680	251.97	4.26		256	15%
2322	Enterprise Printing (County IT)	34	72				-	0%
2323	Reproduction Services	518	500		37.61		38	8%

## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 23/24	APPROVED BUDGET FY 24/25	JULY	AUG	SEPT	AMOUNT THRU Q1	PERCENT THRU Q1
2335	Temporary Services	393	-				-	
2400	Legal Counsel	21,410	37,500	2,555.10	(2,555.10)	2,111.50	2,112	6%
2405	Auditing	15,332	11,708				-	0%
2410	IT Infrastructure (County IT)	8,526	9,010	749.00	751.00	751.00	2,251	25%
2414	Application Dev. & Maint. (County IT)	-	-				-	
2415	Countywide Cost Allocation Program	-	5,981			907.00	907	15%
2416	Enterprise Printing (County IT)	-	-				-	
2417	Inactive Account (County IT)	-	-				-	
2418	Data Storage Services (County IT)	-	-				-	
2420	Enterprise Content Management (County IT)	4,122	2,024		252.89	252.89	506	25%
2421	Desktop Support Services (County IT)	9,025	7,642		636.86	636.86	1,274	17%
2424	Environmental Consultant	12,880	10,950	310.00	780.00	1,020.00	2,110	19%
2444	Security Services	492	492	582.63			583	118%
2445	Other Professional Services	54,203	82,981	22,449.50	2,356.26	5,225.00	30,031	36%
2449	Outside Legal (Litigation & Special Counsel)	2,990	10,000				-	0%
2450	Systems Development Charges (County IT)	-	1,294				-	0%
2460	Aerial Imagery (County IT)	3,000	3,000				-	0%
2895	Rent/Lease Equipment (copier)	4,204	5,400			250.00	250	5%
2905	Office/Hearing Chamber Rental	64,218	64,142	22,615.68		2,914.00	25,530	40%
2940	Private Mileage	5,101	7,428	481.04	136.01	481.04	1,098	15%
2941	Conference/Training	6,925	8,680			6,870.00	6,870	79%
2942	Hotel	7,630	11,297		1,081.88	2,559.48	3,641	32%
2943	Meals	491	1,050		54.94		55	5%
2944	Car Rental	1,269	-				-	
2945	Air Travel	1,538	800				-	0%
2946	Other Travel	893	300		160.00		160	53%
5012	Transfer to County (Staples & Microsoft)	6,876	8,697	171.74		359.44	531	6%
<b>Total Services and Supplies</b>		<b>\$ 330,558</b>	<b>\$ 398,839</b>	<b>\$ 83,490.77</b>	<b>\$ 14,522.28</b>	<b>\$ 24,933.31</b>	<b>\$ 122,946</b>	<b>31%</b>
<b>TOTAL EXPENDITURES</b>		<b>\$ 1,087,876</b>	<b>\$ 1,223,849</b>	<b>\$ 139,509.18</b>	<b>\$ 74,598.48</b>	<b>\$ 83,828.85</b>	<b>\$ 297,937</b>	<b>24%</b>
<b>Trust Transfers:</b>								
9990	SBCERA Additional Payment	52,500	54,968					
<b>TOTAL APPROPRIATION</b>		<b>\$ 1,140,376</b>	<b>\$ 1,278,816</b>	<b>\$ 139,509.18</b>	<b>\$ 74,598.48</b>	<b>\$ 83,828.85</b>	<b>\$ 297,937</b>	<b>23%</b>



## Attachment #1

## Budget Spreadsheets

ACCT. #	ACCOUNT NAME	ACTUAL YEAR-END FY 23/24	BUDGET INCREASE FY 24/25	JULY	AUG	SEPT	RESERVE BALANCES FY 24/25
	<b>RESERVES</b>						
6000	Contingency (Assigned)	35,000	5,000	-	-	-	40,000
6010	Application (Assigned) <b>*NEW*</b>	-	110,000	-	-	-	110,000
6025	General (Assigned)	225,000	10,000	-	-	-	235,000
6030	Compensated Absences (Committed)	167,095	15,467	-	-	-	182,562
6035	Salary for Extra Pay Period (Committed)	9,000	3,000	-	-	-	12,000
<b>TOTAL RESERVES (Increases)</b>		<b>\$ 436,095</b>	<b>\$ 143,467</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 579,562</b>

## Attachment #1


## Budget Spreadsheets

ACCT #	ACCOUNT NAME	ACTUAL YEAR-END FY 23/24	APPROVED BUDGET FY 24/25	JULY	AUG	SEPT	AMOUNT THRU Q1	PERCENT THRU Q1
	County Treasury:							
8500	Interest and Investments	34,791	15,000	10,610.95	(10,610.95)		-	0%
9984	Interest Adjustment	20,258	15,000			9,175.88	9,176	61%
8842	Apportionment	1,172,283	1,172,283	781,522.00			781,522	67%
Total County Treasury		1,227,332	1,202,283	792,132.95	(10,610.95)	9,175.88	790,698	66%
	Applications:							
6010	Application Reserve (Assigned Reserve)		110,000					
9545	Individual Notice Deposit	12,298					-	
9555	Legal Services Deposit	8,341					-	
9595	Protest Hearing Deposit	1,500					-	
9655	Digital Mapping Fee	1,830					-	
9660	Environmental Deposit	20,110			7,710.00		7,710	
9800	LAFCO Fee	86,268		1,818.00	5,954.00		7,772	
Total Applications		130,347	110,000	1,818.00	13,664.00	-	15,482	14%
	Other:							
9910	Prior Year Activity (refunds, collections)	-					-	
9930	Miscellaneous	38,198					-	
9955	Returned Deposits: Non-Sufficient Funds				(606.00)		(606)	
9970	Accrued Payroll Liability			10,773.67			10,774	
9973	Returned Checks: Stale-dated	726					-	
Total Other		38,924	-	10,773.67	(606.00)	-	10,168	
TOTAL REVENUES		\$ 1,396,603	\$ 1,312,283	\$ 804,724.62	\$ 2,447.05	\$ 9,175.88	\$ 816,348	62%

# LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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**DATE:** NOVEMBER 13, 2024   
**FROM:** SAMUEL MARTINEZ, Executive Officer  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #10: Report to the Legislature on Government Code  
Section 56133.5 Pilot Program

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## **RECOMMENDATION:**

Staff recommends that the Commission direct staff to file the required report with the California State Legislature (Attachment #2).

## **BACKGROUND**

Senate Bill (SB) 13, authored by Senator Bill Dodd, reestablished Government Code Section 56133.5 (copy included as Attachment #1) - the pilot program that gave Napa and San Bernardino LAFCOs the ability to authorize a city or district to extend service(s) outside an agency's boundary and sphere of influence. The pilot program again requires both LAFCOs to submit a report to the Legislature before January 1, 2025, on their participation in the pilot program including the number of requests made pursuant to Section 56133.5, and the actions made regarding said requests.

The prior report that this Commission submitted to the Legislature in 2019 noted that it received three (3) requests for authorization of service outside an agency's boundary and sphere of influence pursuant to Section 56133.5:

1. City of Colton (LAFCO SC#420)
2. City of Big Bear Lake (LAFCO SC#443)
3. Inland Empire Utilities Agency (LAFCO SC#446)

For this report, the Commission received one (1) request for authorization of service outside an agency's boundary and sphere of influence pursuant to Section 56133.5:

- Running Springs Water District (LAFCO SC#521)

LAFCO staff anticipates there will be one more request for approval of service(s) pursuant to Section 56133.5 that will be submitted prior to the sunset date.

The Commission has, in the past, advocated that the pilot program be made available for all LAFCOs throughout the State and has indicated that it will not support requesting another extension if it continues as a pilot program. Therefore, the pilot program will be repealed effective January 1, 2026.

The report to the Legislature is to be submitted in compliance with Government Code Section 9795, which requires that the report be no more than one page in length, and submitted to the Legislature as a print copy to the Secretary of the Senate, as an electronic copy to the Chief Clerk of the Assembly, and as a print or electronic copy to the Legislative Counsel. Section 9795 also outlines that a state agency report should include a website where the report can be downloaded as well as a phone number to call to order copies of the report. Although LAFCOs are (technically) not considered a state agency, the report nonetheless includes these additional state agency requirements. Attachment #2 is the draft copy of the report to the Legislature.

### **CONCLUSION:**

LAFCO staff is requesting that the Commission review the draft report to the Legislature and provide comments or additional changes to the report. Staff also recommends that the Commission direct staff to file the final report to the Legislature prior to the January 1, 2025 deadline.

Staff will be happy to answer any questions of the Commission prior to or at the Commission hearing.

Attachment:

1. [Government Code Section 56133.5](#)
2. [Report to the Legislature on the Pilot Program Related to Government Code Section 56133.5](#)

## **Government Code Section 56133.5**

**56133.5.** (a) A pilot program is hereby established for the Napa and San Bernardino commissions. If consistent with adopted policy, the Napa and San Bernardino commissions may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to support existing or planned uses involving public or private properties, subject to approval at a noticed public hearing in which the commission makes all of the following determinations:

(1) The extension of service or services deficiency was identified and evaluated in a review of municipal services prepared pursuant to Section 56430.

(2) The commission determines both of the following:

(A) The extension of service will not result in adverse impacts on open space or agricultural lands.

(B) The extension of service will not result in growth-inducing impacts.

(3) A sphere of influence change involving the affected territory and its affected agency is not feasible under this division or desirable based on the adopted policies of the commission.

(b) Subdivision (d) of Section 56133 shall apply to any request for new or extended services pursuant to this section.

(c) For purposes of this section, "planned use" means any project that is included in an approved specific plan as of July 1, 2015.

(d) The Napa and San Bernardino commissions shall submit a report before January 1, 2025, to the Legislature on their participation in the pilot program, including how many requests for extension of services were received on or after the effective date of this section, and the action by the commission to approve, disapprove, or approve with conditions. The Napa commission shall also include in the report on the pilot program information on its decision to approve, deny, or approve with conditions any authorization for the City of St. Helena to provide new or extended services outside its jurisdictional boundary and sphere of influence, as described in Section 56133.6. The report required to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(e) The pilot program established pursuant to this section shall be consistent with Chapter 8.5 (commencing with Section 1501) of Part 1 of Division 1 of the Public Utilities Code.

(f) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

*(Added by Stats. 2021, Ch. 482, Sec. 1. (SB 13) Effective October 4, 2021. Repealed as of January 1, 2026, by its own provisions.)*

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**To:** California State Legislature

**FROM:** Local Agency Formation Commission for San Bernardino County

**Date:** November 20, 2024

**Subject:** Report on Pilot Program Related to Government Code Section 56133.5

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Government Code § 56133.5 (Assembly Bill No. 402, effective January 1, 2016) established a pilot program for Napa and San Bernardino commissions to authorize a city or district to extend service(s) outside an agency's boundary and sphere of influence subject to certain determinations, i.e., service extension was identified/evaluated in a service review, service extension will not have an adverse impact on open space/agricultural lands and will not result in growth inducing impacts, and inclusion of the area to be served into an agency's sphere of influence is not feasible/desirable. The pilot program had sunset on January 1, 2021. The pilot program was then reestablished with additional provisions including extending the sunset date to January 1, 2026 (Senate Bill No. 13, effective January 1, 2021). The pilot program again requires that the Local Agency Formation Commission for San Bernardino County (hereafter "San Bernardino LAFCO") submit a report to the Legislature on its participation in the pilot program, the number of requests made pursuant to § 56133.5, and its actions.

Since the three (3) requests that were reported to the Legislature back in 2019, San Bernardino LAFCO received one (1) additional request pursuant to § 56133.5:

- **Running Springs Water District** (*Authorized 4/17/2024*)

The Running Springs Water District (District) is an independent special district that provides retail water distribution, wastewater service (collection and treatment), as well as fire protection and pre-hospital emergency medical aid services, which include ambulance and paramedic services. The Local Emergency Medical Services Agency (LEMSA) for San Bernardino County assigned an Ambulance Operating Area (AOA) for the District that goes beyond the District's actual boundaries and beyond its sphere of influence. San Bernardino LAFCO authorized the District to continue to provide ground ambulance service within the District's assigned AOA as defined by the County's LEMSAs, which includes areas outside the District's boundary and sphere of influence.

San Bernardino LAFCO has successfully utilized the provisions of the pilot program a total of four (4) times and San Bernardino LAFCO staff is aware of one more request for approval (authorization) of service(s) pursuant to § 56133.5 that will be submitted prior to the sunset date of the pilot program. Unless this pilot program is made available to all LAFCOs throughout the State, San Bernardino LAFCO agrees that the pilot program should be repealed effective January 1, 2026.


This report, as well as copies of the reports for all requests pursuant to § 56133.5, can be downloaded from the following link: [www.sbclafco.org/PilotProgram](http://www.sbclafco.org/PilotProgram). To order a hard copy of any of the said reports, please call San Bernardino LAFCO at (909) 388-0480.

Distribution: Secretary of the Senate  
Chief Clerk of the Assembly (electronic copy to [Agency.Reports@asm.ca.gov](mailto:Agency.Reports@asm.ca.gov))  
Legislative Counsel (electronic copy to [agency.reports@lc.ca.gov](mailto:agency.reports@lc.ca.gov))  
Senator Bill Dodd, CA Senate District 3  
René LaRoche, Executive Director, CALAFCO  
Brendon Freeman, Executive Officer, Napa County LAFCO

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**DATE:** NOVEMBER 13, 2024  
**FROM:** SAMUEL MARTINEZ, Executive Officer   
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** Agenda Item #11: Review and Consider Continuation of Membership  
with CALAFCO

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## **RECOMMENDATION:**

Staff recommends that the Commission discuss and provide direction to staff.

## **BACKGROUND**

Commissioner Cox requested that this item be added to the agenda and Chair Warren has directed staff to place said request as a discussion item.

Founded in 1971, the California Association of LAFCOs (CALAFCO) is non-profit organization dedicated to assisting member LAFCOs and provides statewide coordination of LAFCO activities. It provides educational and legislative resources to its member LAFCOs and serves as a resource to the Legislature and other governmental agencies and organizations throughout the state.

CALAFCO is governed by a Board of Directors composed of 16 LAFCO Commissioners from throughout the State. The State is divided into four (4) regions--northern, central, coastal and southern—and each region elects four Board members composed of one county member, one city member, one special districts member, and one public member.

CALAFCO staff consists of an Executive Director, a Legal Counsel, and four (4) volunteer LAFCO staff (regional officers with title of Executive Officer and three Deputy Executive Officers) each representing one of the four regions. The Executive Director serves as the administrator/manager of CALAFCO, the Legal Counsel provides legal advice to the CALAFCO Board, and the four regional officers—in conjunction with the Executive Director—manage various services and programs of CALAFCO.



The membership of CALAFCO consists of 57 LAFCOs<sup>1</sup>, as well as associate members (consultants, firms, agencies, and organizations, etc.)

In order to educate its members, CALAFCO sponsors an annual conference, an annual workshop for staff, and a number of single-topic sessions and seminars throughout the year. CALAFCO also has its Legislative Committee composed of Board members and several LAFCO staff from all regions that the membership uses to proposed legislation and review positions on upcoming legislation.

Recently, there has been some concern about the recent decisions made by the CALAFCO Board, including the perceived lack of transparency and membership engagement. There has also been some disagreement and disunity among the new Board. It should also be noted that, in the past, there used to be a close collaboration between the CALAFCO Executive Director, its regional officers, and LAFCO executive officers in general, which resulted in more agreement and coming up with better solutions to issues and/or concerns. Lately, there hasn't been a congenial relationship between the CALAFCO Executive Director and many of the regional officers/executive officers resulting in dissatisfaction and frustration among the membership.

## **CONCLUSION**

This LAFCO has been a member of CALAFCO since its inception. In addition to dues and attendance at conferences and workshops, this LAFCO has contributed an enormous amount of its staff's time and its resources to CALAFCO. The recommendation is to review and consider whether to continue its membership with CALAFCO and provide direction to staff.


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<sup>1</sup> Although there are 58 counties, Kern LAFCO left CALAFCO in 2021 due to financial constraints and also because it felt the CALAFCO dues was structured unfairly.

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DATE : NOVEMBER 13, 2024   
FROM: SAMUEL MARTINEZ, Executive Officer  
TO: LOCAL AGENCY FORMATION COMMISSION

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SUBJECT: Agenda Item #12 – Legislative Report

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## **RECOMMENDATION:**

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

## **BACKGROUND:**

### **2024 Legislative Session:**

The Legislature is now in recess until it reconvenes at the beginning of the year. Below is a summary of the bills that the Commission supported:

AB 3277	This is the CALAFCO sponsored Assembly Local Government Committee annual omnibus bill that makes non-substantive, technical changes/corrections to the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 (LAFCO law).	Chaptered on 7/2/2024
SB 1209 (Cortese)	This bill is another CALAFCO sponsored bill in response to a 2022 appellate decision out of San Luis Obispo LAFCO that determined that LAFCOs have no statutory authority to impose an indemnity agreement as a condition of a LAFCO application. The bill amends State law that explicitly authorizes LAFCOs to require applicants, as a condition for processing an application, to indemnify LAFCOs against litigation.	Chaptered on 9/28/2024

### **2025 Legislative Session:**

The 2025 Legislative Session will convene on January 6, 2024. Attached is the 2025 Tentative Legislative Calendar.

Attachment

# 2025 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE  
Revised 10-16-24

## DEADLINES

JANUARY							
	S	M	T	W	TH	F	S
				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30	31	

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 4							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	

MARCH							
	S	M	T	W	TH	F	S
Wk. 4							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	29
Wk. 1	30	31					

APRIL							
	S	M	T	W	TH	F	S
Wk. 1			1	2	3	4	5
Wk. 2	6	7	8	9	10	11	12
Spring Recess	13	14	15	16	17	18	19
Wk. 3	20	21	22	23	24	25	26
Wk. 4	27	28	29	30			

MAY							
	S	M	T	W	TH	F	S
Wk. 4					1	2	3
Wk. 1	4	5	6	7	8	9	10
Wk. 2	11	12	13	14	15	16	17
Wk. 3	18	19	20	21	22	23	24
Wk. 4	25	26	27	28	29	30	31

**Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).

**Jan. 6** Legislature reconvenes (J.R. 51(a)(1)).

**Jan. 10** Budget bill must be submitted by Governor (Art. IV, Sec. 12(a)).

**Jan. 20** Martin Luther King, Jr. Day observed.

**Jan. 24** Last day to submit **bill requests** to the Office of Legislative Counsel.

**Feb. 17** Presidents' Day observed.

**Feb. 21** Last day for bills to be **introduced** (J.R. 61(a)(1), J.R. 54(a)).

**Mar. 31** Cesar Chavez Day observed.

**Apr. 10** **Spring Recess** begins upon adjournment (J.R. 51(a)(2)).

**Apr. 21** Legislature reconvenes from Spring Recess (J.R. 51(a)(2)).

**May 2** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

**May 9** Last day for **policy committees** to hear and report to the Floor **nonfiscal** bills introduced in their house (J.R. 61(a)(3)).

**May 16** Last day for **policy committees** to meet prior to June 9 (J.R. 61(a)(4)).

**May 23** Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)).

Last day for **fiscal committees** to meet prior to June 9 (J.R. 61(a)(6)).

**May 26** Memorial Day observed.

\*Holiday schedule subject to final approval by Rules Committee.

# 2025 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE  
Revised 10-16-24

JUNE							
	S	M	T	W	TH	F	S
No Hrgs.	1	2	3	4	5	6	7
Wk. 1	8	9	10	11	12	13	14
Wk. 2	15	16	17	18	19	20	21
Wk. 3	22	23	24	25	26	27	28
Wk. 4	29	30					

**June 2-6 Floor Session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(7)).

**June 6** Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).

**June 9** Committee meetings may resume (J.R. 61(a)(9)).

**June 15** Budget bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

JULY							
	S	M	T	W	TH	F	S
Wk. 4			1	2	3	4	5
Wk. 1	6	7	8	9	10	11	12
Wk. 2	13	14	15	16	17	18	19
Summer Recess	20	21	22	23	24	25	26
Summer Recess	27	28	29	30	31		

**July 4** Independence Day observed.

**July 18** Last day for **policy committees** to hear and report bills (J.R. 61(a)(10)).

**Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51(a)(3)).

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess						1	2
Summer Recess	3	4	5	6	7	8	9
Summer Recess	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
Wk. 4	24	25	26	27	28	29	30
No Hrgs.	31						

**Aug. 18** Legislature reconvenes from **Summer Recess** (J.R. 51(a)(3)).

**Aug. 29** Last day for **fiscal committees** to hear and report bills to the Floor (J.R. 61(a)(11)).

SEPTEMBER							
	S	M	T	W	TH	F	S
No Hrgs.		1	2	3	4	5	6
No Hrgs.	7	8	9	10	11	12	13
Interim Recess	14	15	16	17	18	19	20
Interim Recess	21	22	23	24	25	26	27
Interim Recess	28	29	30				

**Sept. 1** Labor Day observed.

**Sept. 2-12 Floor session only.** No committees may meet for any purpose, except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(a)(12)).

**Sept. 5** Last day to **amend** on the Floor (J.R. 61(a)(13)).

**Sept. 12** Last day for each house to pass bills. (J.R. 61(a)(14)).

**Interim Recess** begins upon adjournment (J.R. 51(a)(4)).

## IMPORTANT DATES OCCURRING DURING FINAL RECESS

### 2025

Oct 12 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 12 and in the Governor's possession on or after Sept. 12 (Art. IV, Sec. 10(b)(1)).

### 2026


Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 5 Legislature reconvenes (J.R. 51(a)(4)).

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**DATE:** NOVEMBER 13, 2024  
**FROM:** SAMUEL MARTINEZ, Executive Officer   
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: AGENDA ITEM #13: EXECUTIVE OFFICER'S REPORT**

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## REMINDER:

The Commission will be dark in December. Please note that the next Commission meeting will be on January 15, 2025.

## 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)

*LAFCO staff conducted the Protest Hearing for LAFCO 3268 on October 2, 2024; LAFCO staff subsequently issued the Certificate of Completion for LAFCO 3268 on October 9, 2024.*

- 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)

*Reconsideration period ended. Protest Hearing scheduled for November 16, 2024, at the City of Chino Council Chambers.*

- Update on Daggett Community Service District's Water System

*After the last update in September regarding the CSD's water system, the Commission requested staff to return in November with another update given the State Waterboard's action designating a Water System Administrator to help the CSD; however, there is no update to provide at this time. Staff will instead return in January for said update.*

**UPDATES ON OUT-OF-AGENCY SERVICE CONTRACT DELEGATED TO THE EO:**

- LAFCO SC #533 - City of Upland Sewer Service Agreement No. 2024-10-3

*The City of Upland 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 NEWS:**

Staff made a presentation to the County's Land Use Services Department staff including the Environmental Health Services staff on October 23.

**CALAFCO NEWS:**

- **CALAFCO Annual Conference**

The 2024 CALAFCO Annual Conference was held last month at the Tenaya Lodge near Yosemite. Commissioner's Acquanetta Warren, Steven Farrell, Kimberly Cox, Jim Bagley, Jim Harvey, and staff attended the conference.

Prior to the conference, Chair Warren chose to step down from her City Member seat on the CALAFCO Board due to an important opportunity. Steve Sanchez from Riverside LAFCO, whom she endorsed, won the election as the new City Member representing the Southern Region.

**CY 2025 LAFCO CALENDAR:**

Every year, LAFCO staff provides the Commission with its proposed schedule for the upcoming calendar year, which includes the Commission's meetings, holidays, as well as the Fridays that the LAFCO Office is closed for the entire year. Enclosed is the proposed 2025 LAFCO Calendar.

Enclosure: 2025 LAFCO Calendar

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## LAFCO Office Calendar – 2025

### JANUARY 2025

1-2 New Year's Holiday (Office Closed)  
3 Office Closed  
15 LAFCO Meeting  
17 Office Closed  
20 Martin Luther King Jr. Day Holiday (Office Closed)  
31 Office Closed

### FEBRUARY 2025

14 Office Closed  
17 Presidents' Day Holiday (Office Closed)  
19 LAFCO Meeting  
28 Office Closed

### MARCH 2025

14 Office Closed  
19 LAFCO Meeting  
28 Office Closed

### APRIL 2025

11 Office Closed  
16 **NO LAFCO MEETING**  
25 Office Closed  
30 Staff Workshop -- Temecula (Office Closed)

### MAY 2025

1-2 Staff Workshop -- Temecula (Office Closed)  
9 Office Closed  
21 LAFCO Meeting  
23 Office Closed  
26 Memorial Day Holiday (Office Closed)

### JUNE 2025

6 Office Closed  
18 **NO LAFCO MEETING**  
19 Juneteenth Holiday (Office Closed)  
20 Office Closed

### JULY 2025

4 Independence Day Holiday (Office Closed)  
16 LAFCO Meeting  
18 Office Closed

### AUGUST 2025

1 Office Closed  
15 Office Closed  
20 **NO LAFCO MEETING**  
29 Office Closed

### SEPTEMBER 2025

1 Labor Day Holiday (Office Closed)  
12 Office Closed  
17 LAFCO Meeting  
26 Office Closed

### OCTOBER 2025

10 Office Closed  
13 Columbus Day Holiday (Office Closed)  
15 LAFCO Meeting  
22-24 CALAFCO Annual Conference -- San Diego  
24 Office Closed

### NOVEMBER 2025

7 Office Closed  
11 Veterans Day Holiday (Office Closed)  
19 LAFCO Meeting  
21 Office Closed  
27-28 Thanksgiving Day & Day After Thanksgiving Holiday (Office Closed)

### DECEMBER 2025

5 Office Closed  
17 **NO LAFCO MEETING** (Tentative)  
19 Office Closed  
22-30 Christmas Holiday (Office Closed)  
31 New Year's Holiday (Office Closed)