

AGENDA

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

REGULAR MEETING OF FEBRUARY 16, 2022

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

ANNOUNCEMENT:

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

1. PUBLIC COMMENTS ON CLOSED SESSION

2. CONVENE CLOSED SESSION

Conference Room Adjacent to Event Center Auditorium

- Conference with Legal Counsel – Existing Litigation – (Government Code Section 54956.9(d)(1)) – C.O.M.E.T. (Citizens of Montone Empowered Together) v. City of Redlands et al, County of San Bernardino Superior Court Case No. CIVDS1906437
- Conference with Legal Counsel - Existing Litigation (Government Code Section 54956.9(d)(1)) – Montecito Equities, Ltd v. San Bernardino Local Agency Formation Commission, County of San Bernardino Superior Court Case No. CIVSB2029401
- Conference with Legal Counsel – Initiation of Litigation (Government Code Section 54956.9(d)(4)) – 1 Potential Case

3. RECONVENE PUBLIC SESSION

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.

4. [Approval of Minutes for Regular Meeting of January 19, 2022](#)
5. [Approval of Executive Officer's Expense Report](#)
6. [Ratify Payments as Reconciled and Note Cash Receipts for the Month of December 2021](#)
7. Consent Items Deferred for Discussion

PUBLIC HEARING ITEMS:

8. [Consideration of: \(1\) Review of Mitigated Negative Declaration for a General Plan Amendment and Conditional Use Permit for a 3-story residential care facility consisting](#)

of 109 units on approximately 3.16 acres as CEQA Responsible Agency for LAFCO SC#478; and (2) LAFCO SC#478 – City of Chino Covenant Agreement to Annex for Sewer Service (APN 1023-011-51)

DISCUSSION ITEMS:

9. Continued Monitoring from LAFCO 3231 (Countywide Fire Service Review) for Barstow Fire Protection District and the City of Barstow
10. Review and Consider Methods on Additional Payments towards LAFCO's Net Pension Liability
11. Review and Accept the 2021 Mapping of the Disadvantaged Unincorporated Communities for San Bernardino County

INFORMATION ITEMS:

12. Legislative Update Oral 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.)
15. Comments from the Public
(By Commission policy, the public comment period is limited to five minutes per person for comments related to other items under the jurisdiction of LAFCO not on the agenda.)

The Commission may adjourn for lunch from 12:00 to 1:30 p.m. The Commission may take action on any item listed in this Agenda whether or not it is listed for Action. In its deliberations, the Commission may make appropriate changes incidental to the above-listed proposals.

Materials related to an item on this Agenda submitted to the Commission or prepared after distribution of the agenda packet will be available for public inspection in the LAFCO office at 1170 West Third Street, Unit 150, San Bernardino, during normal business hours, on the LAFCO website at www.sbclafo.org.

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

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

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

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

1/18/22:as

DRAFT

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

REGULAR MEETING

9:00 A.M.

JANUARY 19, 2022

PRESENT:

COMMISSIONERS:

Regular Member	Alternate Member
Jim Bagley, Chair	Dieter Dammeier
Joe Baca Jr.	Rick Denison
Kimberly Cox	
James Curatalo	
Curt Hagman	
Larry McCallon	

STAFF:

Samuel Martinez, Executive Officer
Paula de Sousa, Legal Counsel
Michael Tuerpe, Senior Analyst
Hannah Larsen, Analyst
Angela Schell, Commission Clerk

ABSENT:

Acquanetta Warren, Vice Chair
Steven Farrell
Dawn Rowe

**CONVENE REGULAR MEETING OF THE LOCAL AGENCY FORMATION COMMISSION –
9:00 A.M. – CALL TO ORDER – FLAG SALUTE AND ROLL CALL**

ANNOUNCEMENT OF CONTRIBUTIONS

1. Presentation of Resolutions of Appreciation to Robert Lovingood and Janice Rutherford for their LAFCO Service as County Members, and Louisa Amis for her LAFCO Service as Alternate Public Member

Chair Bagley presents Supervisor Janice Rutherford and Louisa Amis with a Resolution of Appreciation for their service as county member and alternate public member. Commissioners Curatalo and Baca express appreciation and thank both Supervisor Rutherford and Louisa Amis for their service and wish them both the very best.

Chair Bagley directs the clerk to add Commissioner Hagman to the roll at 9:07am.

CONSENT ITEMS:

2. Approval of Minutes for Regular Meeting of November 2021

3. Approval of Executive Officer's Expense Report

Recommendation: Approve the Executive Officer's Expense Report for Procurement Card Purchases from October 23, 2021 to November 22, 2021 and November 23, 2021 to December 22, 2021.

4. Ratify Payments as Reconciled and Note Cash Receipts for the Months of October 2021 and November 2021 and Note Revenue Receipts

Ratify payments as reconciled for the months of October 2021 and November 2021 and note revenue receipts for the same period.

5. Review and Approve Agreement with Event Design Lab for Video Production of Commission Meetings at the Norton Regional Event Center

Recommendation: Staff recommends that the Commission

1. Approve the agreement with Event Design Lab for Video Production of LAFCO Meetings, and
2. Authorize the Executive Officer to sign the agreement.

6. Consent Items Deferred for Discussion (None)

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

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

Chair Bagley asks the Commission Clerk if there were any public comment submitted for any of the consent items. Clerk responds that there were none received.

PUBLIC HEARING ITEMS:

7. LAFCO SC#475 – City of Montclair Irrevocable Agreement to Annex No. 21-58-I-100 for Sewer Service (APN 1011-341-51)

Recommendation: Staff recommends that the Commission approve LAFCO SC#475 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 Notice of Exemption filed by the County of San Bernardino for Minor Use Permit to establish a carwash on approximately 1.04 acres;

*Commissioner Denison was inadvertently not called on to vote in Commissioner Warren's stead.

- b. Determine that the Commission has considered the less than significant environmental effects caused by approval of the service extension request and finds the information adequate for the Commission's use;
 - c. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project and that no mitigation measures were required for this project; however, the Conditions of Approval adopted for the project will remain the responsibility of the County to implement; and,
 - d. Direct the Executive Officer to file a Notice of Exemption as CEQA Responsible Agency within five (5) days of this action.
2. Approve LAFCO SC #475 authorizing the City of Montclair to extend sewer service outside its boundaries to a proposed car wash on Assessor Parcel Number 1011-341-51.
 3. Adopt LAFCO Resolution #3342 setting forth the Commission's findings, determinations, and approval of the agreement for service outside the City of Montclair's boundaries.

Chair Bagley acknowledges the written public comment received and states that the written objection letter be noted for the record. Commissioner Hagman moves the approval of staff recommendations. Second by Commissioner McCallon. The motion passes with the following roll call vote:

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

8. LAFCO SC#476 – City of Loma Linda Irrevocable Agreement to Annex for Water and Sewer Service (APN 0293-111-15)

Recommendation: Staff recommends that the Commission approve LAFCO SC#476 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 Conditional Use Permit to construct and operate a 29,860 square-foot place of worship with related on-site facilities on approximately 5.53 acres, and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,

*Commissioner Denison was inadvertently not called on to vote in Commissioner Warren's stead.

- c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA Lead Agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.
2. Approve LAFCO SC #476 authorizing the City of Loma Linda to extend water and sewer service outside its boundaries to Assessor Parcel Number 0293-111-15.
3. Adopt LAFCO Resolution #3343 setting forth the Commission's determinations and approval of the agreement for service outside the City of Loma Linda's boundaries.

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

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

9. LAFCO 3251 – Annexation to the Yucaipa Valley Water District (I-10 Logistics Owner, LLC)

Recommendation: The staff recommends that the Commission approve LAFCO 3251 by taking the following actions:

1. With respect to environmental review:
 - a. Certify that the complete Final Environmental Impact Report (EIR), which includes the complete Final (Recirculated) Environmental Impact Report, the complete Final Supplemental Environmental Impact Report, and the other related environmental documents prepared for the County of Riverside for the San Geronio Crossing project (Project), have been independently reviewed and considered by the Commission, its staff and its Environmental Consultant;
 - b. Determine that the complete Final EIR (State Clearinghouse No. 2014011009) for the Project is adequate for the Commission's use as a California Environmental Quality Act (CEQA) Responsible Agency for its determinations related to LAFCO 3251;
 - 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 County's environmental documents are the responsibility of the County and/or others, not the Commission;
 - d. Adopt the Facts, Findings and Statement of Overriding Considerations as presented by the Commission's Environmental Consultant and attached to the staff report as part of Attachment #7; and,
 - e. Direct the Executive Officer to file the Notice of Determination within five (5) days and find that no further Department of Fish and Wildlife filing fees are required by the Commission's approval of LAFCO 3251 since the County of Riverside, as CEQA lead agency, has paid said fees.

*Commissioner Denison was inadvertently not called on to vote in Commissioner Warren's stead.

2. Approve LAFCO 3251, 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;
3. Waive protest proceedings, as permitted by Government Code Section 56662(d), with 100% landowner consent to the annexation; and,
4. Adopt LAFCO Resolution #3344, setting forth the Commission's determinations and conditions of approval concerning LAFCO 3251.

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

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

DISCUSSION ITEMS:

10. Review and Accept Audit Report for Fiscal Year Ended June 30, 2021

Recommendation: Staff recommends that the Commission receive and file the materials submitted by Davis Farr LLP related to the Commission's audit for Fiscal Year 2020-21.

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

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

11. LAFCO 3253 – Special Study for the Morongo Valley Community Services District

Recommendation: Staff recommends that the Commission take the following actions related to LAFCO 3253:

1. Receive and accept the Special Study for the Morongo Valley Community Services District (LAFCO 3253), as amended by staff at the hearing.
2. Direct staff to work with the Morongo Valley Community Services District on presenting this special study to the Morongo Valley community.

Comments provided by:

Curtis Yakimow, Town Manager, Town of Yucca Valley (read by Senior Analyst Michael Tuerpe)

**Commissioner Denison was inadvertently not called on to vote in Commissioner Warren's stead.*

*Johnny Tolbert, Director-Board Member, Morongo Valley CSD
Jim Brakebill, Interim Fire Chief, Morongo Valley CSD
Christina Gorke, Director-Board Member, Morongo Valley CSD*

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

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

12. Mid-Year Financial Review for Fiscal Year 2021-22 and Consideration of Increasing Appropriation to Legal Counsel Account

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

1. Note receipt of this report and file.
2. Approve the following amendments to the FY 2021-22 Budget:
 - a. Increase Revenue Account 9970 (Carryover of Fund Balance) by \$42,072 to \$96,575 to recognize the additional carryover into FY 2021-22.
 - b. Increase Expenditure Account 2400 (Legal Counsel) by \$42,072 to \$76,272 to increase appropriation related to unrecoverable legal costs.

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

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

13. Review and Consider Methods on Additional Payment towards LAFCO's Net Pension Liability (MOVED TO THE FEBRUARY 16, 2022 MEETING)

14. Review and Accept the 2021 Mapping of the Disadvantaged Unincorporated Communities for San Bernardino County (MOVED TO THE FEBRUARY 16, 2022 MEETING)

Chair Bagley states both Items 13 and 14 are being deferred to the February meeting. Commissioner Hagman moves to defer both items to the February meeting. Second by Commissioner Baca. The motion passes with the following roll call vote:

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

**Commissioner Denison was inadvertently not called on to vote in Commissioner Warren's stead.*

INFORMATION ITEMS:

15. Legislative Update Oral Report

Executive Officer Martinez summarizes the CALAFCO Legislative priorities for 2022, as noted in the staff report.

16. Executive Officer's Oral Report

Mr. Martinez reminds the Commission that there will be a February in-person meeting and referenced the amended calendar showing the February meeting date. He also recognizes Commissioner Dammeier and LAFCO Analyst Hannah Larson for their first in-person meeting.

17. Commissioner Comments

Chair Bagley welcomes Commissioner Dammeier who introduces himself. Chair Bagley comments on the importance of the Commission's governance training program and providing a CSD 101. He states he has received a lot of inquiries from the Morongo Valley community and they do not know what the CSD does. He emphasizes on the lack of education for the community.

He also mentions that there was another resolution for retired Supervisor Robert Lovingood who was unable to make it today and would like to give him an opportunity to receive it in person. He expresses his appreciation and thanks Supervisor Lovingood for his service on the Commission and hopes all is well with him. Chair Bagley acknowledges the nice letter received from Pamela Miller, retiring Executive Director of CALAFCO, thanking the Commission for the resolution it gave her. He concludes his comments by acknowledging the presence of Kathleen Rollings-McDonald and glad to see her back in the community.

16. Comments from the Public

There are none.

THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE MEETING ADJOURNS AT 10:30 A.M.

ATTEST:

ANGELA SCHELL, Clerk to the Commission

LOCAL AGENCY FORMATION COMMISSION

JIM BAGLEY, Chair

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : FEBRUARY 8, 2022
FROM: SAMUEL MARTINEZ, Executive Officer 
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #5 – APPROVAL OF EXECUTIVE OFFICER'S
EXPENSE REPORT

RECOMMENDATION:

Approve the Executive Officer's Expense Report for Procurement Card Purchases from December 23, 2021 to January 24, 2022.

BACKGROUND INFORMATION:

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

- December 23, 2021 to January 24, 2022.

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

SM/AS

Attachment



MONTHLY PROCUREMENT CARD PURCHASE REPORT

PAGE 1 OF 1

[illegible]

The undersigned, under penalty of perjury, states the above information to be true and correct. If an unauthorized purchase has been made, the undersigned authorizes the County Auditor/Controller-Recorder to withhold the appropriate amount from their payroll check after 15 days from the receipt of the cardholder's Statement of Account.

Cardholder (Print & Sign)	Date
Samuel Martinez 	02/08/22

Approving Official (Print & Sign)	Date
Jim Bagley	02/16/22

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE : FEBRUARY 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #6 - RATIFY PAYMENTS AS RECONCILED FOR
THE MONTH OF DECEMBER 2021 AND NOTE REVENUE
RECEIPTS

RECOMMENDATION:

Ratify payments as reconciled for the month of December 2021 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:

- December 1 through December 31, 2021

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

SM/MT

Attachment

DECEMBER 2021 PAYMENTS PROCESSED							
Document Number	Account	Posting Date	Vendor	Invoice	Reference	Amount	
1901130820	5200 2075	12/03/21	CSDA	6986	2022 CSDA Membership Renewal	\$ 1,556.00	
1901130817	5200 2090	12/03/21	Jan Pro	80121	JanPro Cleaning Svc Month of December 2021	\$ 490.00	
1901135384	5200 2315	12/13/21	Storetrieve	0168692	SvcPeriod 11/01/21 to 11/30/2021	\$ 64.37	
1901135388	5200 2400	12/13/21	Best, Best, & Krieger	922905	BBK Inv 922905 General	\$ 1,247.90	
1901135389	5200 2400	12/13/21	Best, Best, & Krieger	922906	BBK Invoice 922906 Adv San Antonio Heights Assoc	\$ 16.40	
1901135391	5200 2400	12/13/21	Best, Best, & Krieger	922907	BBK Invoice 922907 Litigation	\$ 7,075.00	
1901135393	5200 2400	12/13/21	Best, Best, & Krieger	922908	BBK Invoice 922908 MVWD Sewer Power Act Request	\$ 1,354.50	
TOTAL						\$ 11,804.17	
DECEMBER 2021 COUNTY TRANSFERS PROCESSED							
4102138779	5200 2031	12/01/21	IT		NOV 2021 Payroll System Services	54.40	
4102138780	5200 2032	12/01/21	IT		NOV 2021 Virtual Private Network	13.20	
4102138781	5200 2037	12/01/21	IT		NOV 2021 Dial Tone	255.06	
4102133193	5200 2305	12/06/21	Purchasing		Staples Surcharge	2.08	
4102137771	5200 2322	12/01/21	IT		NOV 2021 Enterprise Printing	7.14	
4102138785	5200 2420	12/01/21	IT		NOV 2021 Wireless Device	17.59	
4102137775	5200 2421	12/01/21	IT		NOV 2021 Desktop Support Services	1,069.20	
4102138783	5241 2410	12/01/21	IT		IT Infrastructure - Period 6	556.00	
4102137773	5241 2417	12/01/21	IT		Enterprise Content Management - Period 6	154.00	
4102137774	5241 2418	12/01/21	IT		Digital Storage Tier 3 - Period 6	192.00	
4102137774	5241 2418	12/01/21	IT		Digital Storage Tier 1 - Period 6	151.00	
4102133193	5540 5012	12/06/21	Purchasing		Staples Purchase	17.30	
4200088226	5200 2310	12/02/21	Mail		Mail Services - HAN	48.70	
4200088227	5200 2310	12/02/21	Mail		Mail Services - FLAT	45.68	
4200088229	5200 2310	12/02/21	Mail		Mail Services - DEL	123.50	
TOTAL						\$ 2,706.85	
DECEMBER 2021 CASH RECEIPTS							
4102131380	various	12/02/21	City of Loma Linda		Service Contract #476	\$ 3,480.00	
4102140830	4075 9930	12/16/21	CA Dept of Conservation		SALC Grant Reimbursement	\$ 700.00	
TOTAL						\$ 4,180.00	
DECEMBER 2021 COUNTY TRANSFERRED RECEIVED							
TOTAL			NONE			\$ -	
COMPLETED BY: MICHAEL TUERPE					APPROVED BY: SAMUEL MARTINEZ		
Senior Analyst					Executive Officer		
Date: 2/8/2022					2/8/2022		

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: FEBRUARY 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #8: LAFCO SC#478 – City of Chino Irrevocable
Agreement to Annex for Sewer Service (APN 1023-011-51)

INITIATED BY:

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

RECOMMENDATION:

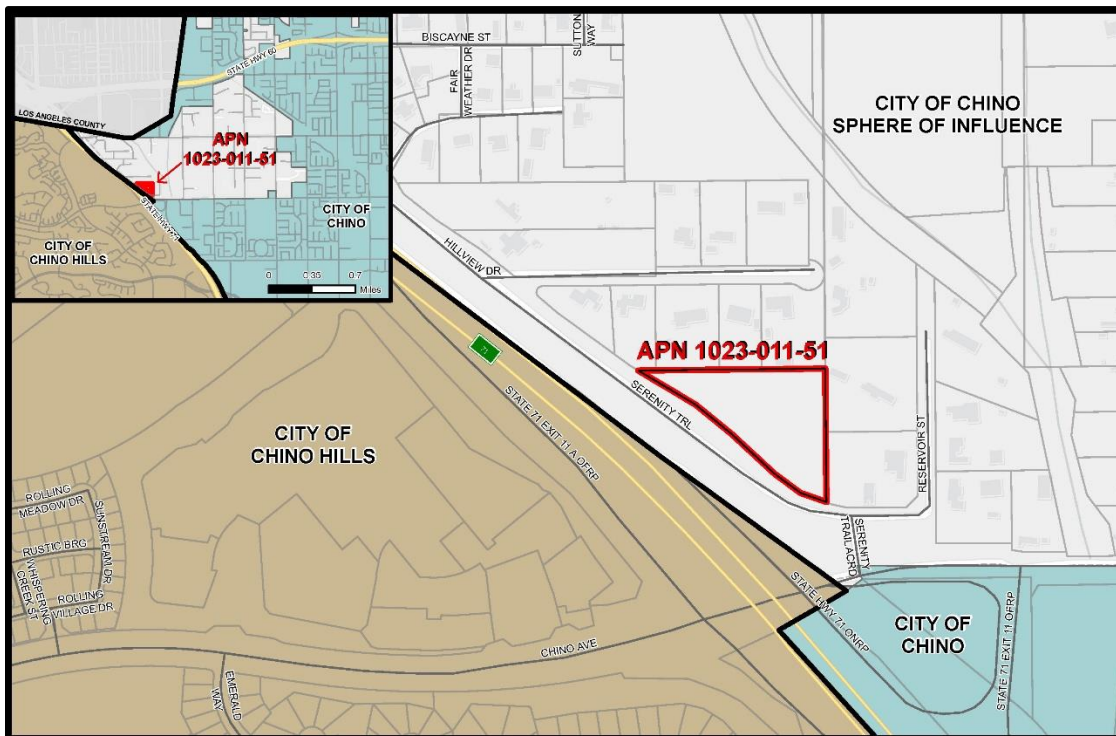
Staff recommends that the Commission approve LAFCO SC#478 by taking the following actions:

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 General Plan Amendment and Conditional Use Permit for a 3-story residential care facility consisting of 109 units on approximately 3.16 acres, and found them to be adequate for Commission use;
 - b. Determine that the Commission does not intend to adopt alternatives or additional mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through implementation of the Conditions of Approval; and,
 - c. Note that this proposal is exempt from Department of Fish and Wildlife fees because the filing fee was the responsibility of the County as CEQA Lead Agency, and direct the Executive Officer to file a Notice of Determination within five (5) days of this action.

2. Approve LAFCO SC #478 authorizing the City of Chino to extend sewer service outside its boundaries to Assessor Parcel Number 1023-011-51; and,
3. Adopt LAFCO Resolution #3345 setting forth the Commission's determinations and approval of the agreement for service outside the City of Chino's boundaries.

BACKGROUND:

The City of Chino (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 a single parcel, Assessor Parcel Number (APN) 1023-011-51, which encompasses approximately 3.16 acres along Serenity Trail (13225 Serenity Trail) generally located at the northeast corner of Chino Avenue and California State Route (SR) 71, within the City of Chino's western sphere of influence. The map below outlines the location of the contract area and Attachment # 1 also provides a location and vicinity map of the site along with a map outlining the location of the sewer infrastructure to be extended.



The County Land Use Services Department has processed and approved a General Plan Amendment and Conditional Use Permit to construct a senior care (assisted living) facility on the 3.16-acre parcel. The Conditions of Approval placed upon this project includes the requirement to either connect to the City of Chino's sewer facilities or build an onsite wastewater treatment system (package treatment plant) prior to issuance of building permits (see Condition 96). A copy of the conditions of approval for the project are included as Attachment #3 to this report.

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

PLAN FOR SERVICE:

The City's application (included as Attachment #2 to this report) indicates that sewer service will be provided through connection to the existing sewer main in Chino Avenue and extension of an 8-inch sewer main approximately 2,160 linear feet in Serenity Trail from the connection point in Chino Avenue to the intersection of Hill View Drive North.

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 Chino has submitted an estimated cost of \$473,126 for the extension of sewer service to the parcel. Following is a table with a breakdown of the fee calculation:

Description of Fees/Charges	Cost
Public Improvements (Sewer Line Infrastructure)	\$454,315.00
Plan Check	9,643.00
Inspection	8,468.00
ROW Permits	700.00
Total	\$473,126.00

The total fee noted above does not include the Inland Empire Utilities Agency (IEUA) Sewer Capacity Fee and an additional City Development Impact Fee, which are to be determined at a later date.

ENVIRONMENTAL DETERMINATION:

The County prepared an Initial Study and Mitigated Negative Declaration (SCH #2020050056) for a General Plan Amendment and Conditional Use Permit for a 3-story residential care facility consisting of 109 units on approximately 3.16 acres.

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and the Mitigated Negative Declaration for the proposed project. Mr. Dodson's analysis indicates that the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency and noted that the less than one mile sewer pipeline extension is statutorily exempt from CEQA (State CEQA Guidelines Section 15282[k]).

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

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

CONCLUSION:

The development of the senior care (assisted living) facility approved by the County requires that it either connect to the City of Chino's sewer facilities or build an onsite wastewater treatment system. The property owner/developer requested that the proposed project be allowed to connect to the City's sewer facilities as a better long-term solution than constructing an onsite wastewater treatment system. In order for the project to proceed, the property owner/developer must show proof of its ability to connect to the City of Chino's sewer infrastructure – which is the Commission's authorization for the agreement.

Staff has reviewed this request for authorization to provide sewer service from the City of Chino outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The area to be served is within the sphere of influence assigned the City of Chino and is anticipated to become a part of the City sometime in the future. Staff supports the City's request for authorization to provide sewer service to APN 1023-011-51 since its utilities are in close proximity to the proposed project, and there is no other existing entity available to provide these services within the area at this time.

DETERMINATIONS:

1. The project area, identified as APN 1023-011-51, is within the sphere of influence assigned the City of Chino and is anticipated to become a part of that City sometime in the future. Water service will be provided by the Monte Vista Water District, whose boundary already overlays the project area.

The application requests authorization to receive City of Chino sewer service. The requirement is a conditions of approval placed upon the proposed project by the

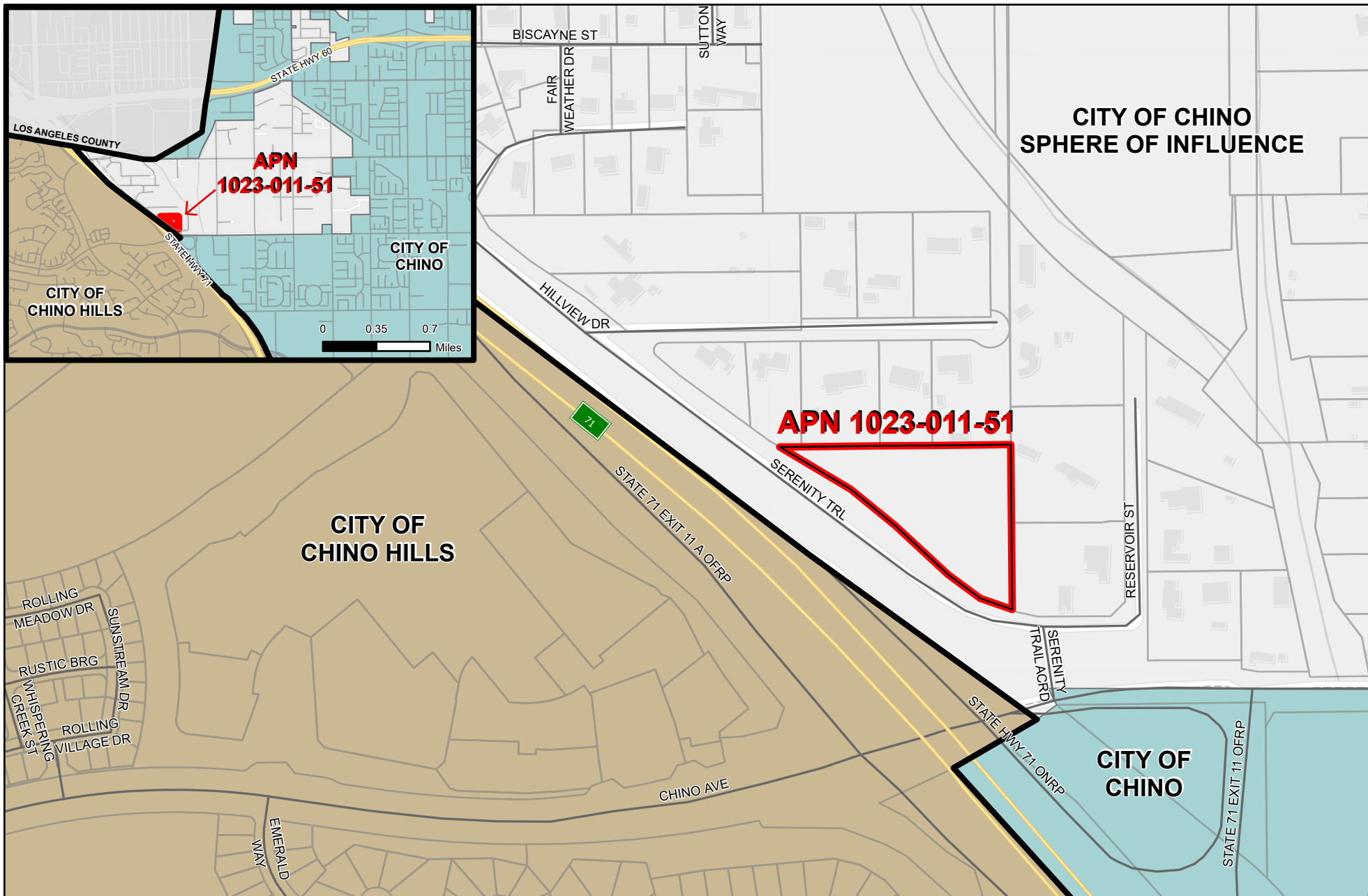
County Land Use Services Department. Therefore, approval of the City of Chino's request for authorization to provide sewer service is necessary in order to satisfy the condition of approval for the project.

2. The City of Chino Amended and Restated Covenant Agreement to Annex being considered is for the provision of sewer service to APN 1023-011-51. 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 Chino to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Chino for the extension of sewer service to the parcel are identified as totaling \$473,126 (see table on page 3 for a breakdown of fees and charges). *Note: Estimated total fee does not include the Inland Empire Utilities Agency Sewer Capacity Fee and an additional City Development Impact Fee – to be determined at a later date.*
4. During the period from March 2020 to July 2020, acting as the CEQA Lead Agency, the County prepared an environmental assessment for a General Plan Amendment and Conditional Use Permit for a 3-story residential care facility consisting of 109 units on approximately 3.16 acres. The County's environmental assessment indicates that the project would not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project.

LAFCO's environmental consultant, Tom Dodson and Associates, has reviewed the County's environmental assessment and recommends that, if the Commission approves LAFCO SC#478, the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as CEQA Responsible Agency. The Commission will not be adopting alternatives or additional mitigation measures, as these are the responsibility of the County and/or others and are considered self-mitigating through implementation of the Conditions of Approval. Attachment #4 to this report includes a copy of Mr. Dodson's response and recommendation regarding the Commission's environmental review and the necessary actions to be taken.

Attachments:

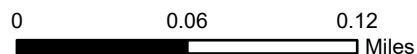
1. [Vicinity Map and Maps of the Contract Area](#)
2. [City of Chino's Application Including Copy of Irrevocable Agreement to Annex](#)
3. [County's Conditions of Approval for the Project](#)
4. [Response from Tom Dodson and Associates including the County's Mitigated Negative Declaration](#)
5. [Draft Resolution #3345](#)



LAFCO SC#478 – City of Chino Covenant Agreement to Annex for Sewer Service (APN 1023-011-51)



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



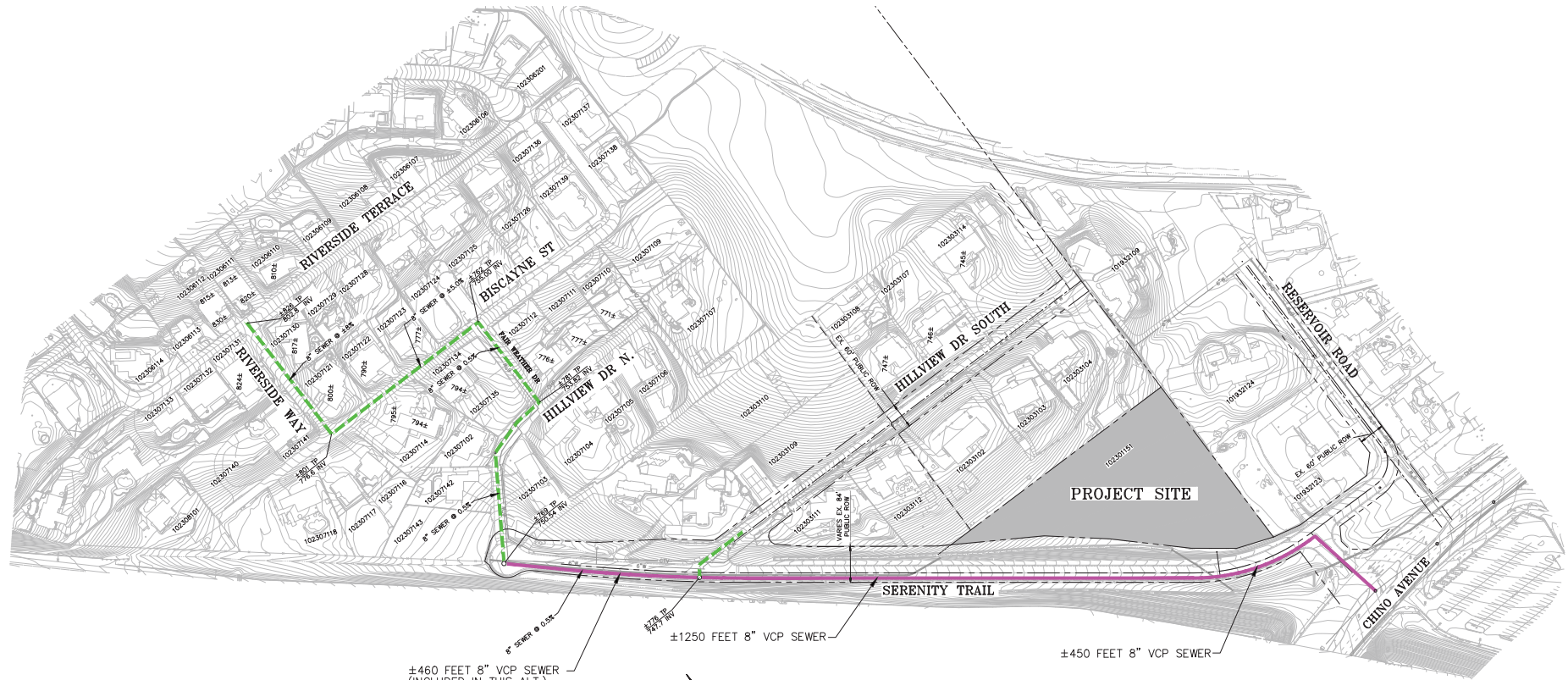
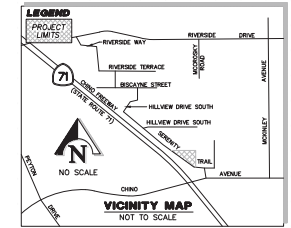
APN 1023-011-51

City of Chino

City of Chino Hills

City Spheres of Influence

SEWER MAIN EXTENSION EXHIBIT FOR SERENITY TRAIL



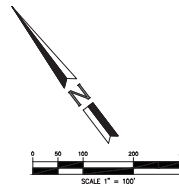
LEGEND



PROPOSED SEWER PROJECT LIMITS

FUTURE SERENITY TRAIL SEWER MAIN EXTENSION BY OTHERS

NOTE: SERENITY TRAIL, RESERVOIR RD. AND HILLVIEW SOUTH DR. HAVE PUBLIC ROW. OTHERS ARE PRIVATE ROADS OR MAY HAVE PRIVATE EASEMENTS. SEWER EASEMENTS WOULD BE REQUIRED.



CITY OF CHINO		
Hutt-Zollers, Inc. 3900 CONCORD, SUITE 300 • CHINO, CALIFORNIA 91710 • (909) 941-7799	SERENITY TRAIL SEWER MAIN FOR SERENITY TRAIL	
	SHEET 1 NO. 1	

**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 Chino
CONTACT PERSON:	Christoper Magdosku
ADDRESS:	13220 Central Avenue
	Chino, CA 91710
PHONE:	909 - 334-3417
EMAIL:	cmagdosku@cityofchino.org

CONTRACTING PARTY:

NAME OF PROPERTY OWNER:	Summerland Chino Manager LLC
CONTACT PERSON:	Adam R. Salis
MAILING ADDRESS:	26060 Acero, Suite 510
	Mission Viejo, CA 92691
PHONE:	
EMAIL:	
ADDRESS OF PROPERTY PROPOSED FOR CONTRACT:	13225 Serenity Trail
	Chino, CA
CONTRACT NUMBER/IDENTIFICATION:	See attached legal description
PARCEL NUMBER(S):	1023-011-51
ACREAGE:	1.501 to 3.500

*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.
Sewer service to Commercial General property in the Chino Sphere
of Influence.

(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.
Owner requested to connect to the City's sanitary sewer system as a
better long-term solution than constructing an on-site septic system for
the project, as conditioned by the County.
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.
The property owner and the City will enter into an Irrevocable Agreement
to Annex to the City of Chino.
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.
The property is located roughly 300 feet from the City's boundary.
Annexation will not occur until a tract or whole block is ready to annex.

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

See response 4(a).

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

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

Vacant Land

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

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

Summerland Senior Living Project - 109 unit assisted living/memory care

facility on the 3.16-acre site. This project was approved by the County of San

Bernardino on July 28, 2020.

*Extension of Service by Contract
Application Form*

(FOR LAFCO USE ONLY)

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

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

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 property is located at 13225 Serenity Trail. The owner will arrange

for a contractor to install 2,160 linear feet of 8 inch sewer line in Serenity

Trail from Chino Avenue to the cul-de-sac at the intersection of Hill View

Drive North.

See attached exhibit, Permits must be obtained from the City of Chino

and the County of San Bernardino.

Extension of Service by Contract
Application Form

(FOR LAFCO USE ONLY)

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

Description of Fees/Charges	Total
Public Improvements	\$ 454,315.00
Sewer DIF	tbd
IEUA SFDF Fee (post 1979 construction)	tbd
Plan Check	\$ 9,643.00
Inspection	\$ 8,468.00
ROW Permits	\$ 700.00
Note: Does not include other costs such as	
County permit fees, mobilization, road	
repair, etc.	
Total Costs	\$ 473,126.00

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

SB County permits for both on-site private sewer and road/sidewalk

- (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.

See attached City Council Resolution #2020-060

CERTIFICATION

As a part of this application, the City of Chino agrees 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:

Christopher Magdosku

POSITION TITLE:

City Engineer

DATE:

June 10, 2021

REQUIRED EXHIBITS TO THIS APPLICATION:

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

Please forward the completed form and related information to:

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

EXHIBIT A

PROPERTY DESCRIPTION

That certain real property in the County of San Bernardino, State of California, legally described as follows:

PARCEL NO. 4 OF PARCEL MAP 3164, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 33, PAGES 30-31 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY:

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

THAT PORTION OF SAID LAND LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 8 WEST, AS SHOWN ON MAP "D" BEING A MAP OF AN EXTENSION OF THE SUBDIVISION OF RANCHO SANTA ANA DEL CHINO, RECORDED IN BOOK 12, PAGES 47 AND 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THENCE ALONG THE EAST SECTION LINE OF SAID SECTION 8, NORTH 00° 24' 46" EAST 218.98 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 69° 53' 22" WEST 90.84 FEET, THENCE NORTH 52° 27' 02" WEST 106.04 FEET, THENCE NORTH 46° 09' 06" WEST 193.10 FEET, THENCE NORTH 49° 54' 13" WEST 153.85 FEET, THENCE NORTH 58° 13' 42" WEST 251.63 FEET, THENCE NORTH 53° 01' 36" WEST 296.55 FEET TO THE SOUTHWESTERLY LINE OF PARCEL 1 OF PARCEL MAP NO. 5925, AS PER MAP RECORDED IN BOOK 63, PAGE 66 OF SAID PARCEL MAPS,

AS SHOWN ON THE AMENDED FINAL ORDER OF CONDEMNATION NO. RCV 03267 RECORDED SEPTEMBER 28, 1994 AS INSTRUMENT NO. 94-426624 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO COUNTY OF SAN BERNARDINO AS MORE FULLY DESCRIBED ON DOCUMENT RECORDED JANUARY 28, 2004 AS INSTRUMENT NO. 04-67778 OF OFFICIAL RECORDS.

RESOLUTION NO. 2020-060

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHINO,
CALIFORNIA, SUPERSEDING RESOLUTION NO. 2018-009 AND
AMENDING EXISTING POLICY RELATED TO SANITARY SEWER
SERVICE WITHIN THE CITY'S SPHERE OF INFLUENCE**

WHEREAS, on February 6, 2018, City of Chino ("City") Suspended City Council Resolution No. 2006-028 and amended its existing policy related to sanitary sewer service within the City's Sphere of Influence ("SOI"); and

WHEREAS, City Council Resolution No. 2018-009 stated conditions under which the City will permit new and existing developments within the City's SOI to apply for and receive sanitary sewer service from the City; and

WHEREAS, the City Council now wishes to formally amend the existing policy and replace the policy articulated in Resolution No. 2018-009.

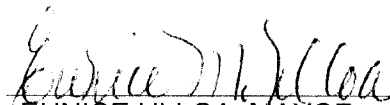
**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HEREBY
RESOLVES AS FOLLOWS:**

Section 1. The City of Chino will only allow new and existing developments on parcels within the City's SOI to connect to the City's sanitary sewer system in accordance with the following criteria:

1. If the SOI parcel is not adjacent to the City boundary, the owner of the parcel must execute and file an irrevocable agreement to annex to the City at such time as sufficient parcels can be assembled and qualify for annexation in accordance with Local Agency Formation Commission (LAFCO) policy pertaining to such annexations.
2. If the SOI parcel is contiguous to the City boundary, the owner will be required to annex the parcel to the City, or, if this is determined to be infeasible, to execute an irrevocable agreement to annex.
3. Finally, all SOI parcels requesting sewer service must be developed in accordance with the City's General Plan and in conformance with all City codes and standards.

Section 2. This Resolution shall supersede Resolution No. 2018-009.

APPROVED AND ADOPTED THIS 15TH DAY OF SEPTEMBER 2020.


EUNICE ULLOA, MAYOR

ATTEST:


ANGELA ROBLES, CITY CLERK

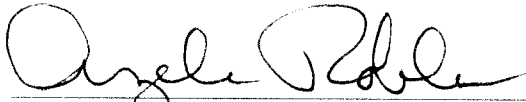
State of California)
County of San Bernardino) ss.
City of Chino)

I, ANGELA ROBLES, City Clerk of the City of Chino, do hereby certify that the foregoing Resolution was duly adopted by the City Council at a regular meeting held on the 15th day of September 2020, by the following votes:

AYES: COUNCIL MEMBERS: ULLOA, HAUGHEY, HARGROVE, LUCIO, RODRIGUEZ

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: NONE



ANGELA ROBLES, CITY CLERK

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:

City of Chino
City Clerk
P.O. Box 667
Chino, CA 91708

Exempt from recording fees according to
Government Code Section No. 27383

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AMENDED AND RESTATED COVENANT AGREEMENT TO ANNEX AND FOR SANITARY SEWER CONNECTION

This Covenant Agreement ("**Agreement**") is made this ____ day of _____, 2021, by and between the City of Chino, a municipal corporation, hereinafter referred to as "**City**", and SUMMERLAND CHINO MANAGER, LLC, a California limited liability company hereinafter referred to as "**Owner**."

RECITALS

A. Owner owns that certain real property located at 13225 Serenity Trail, in the County of San Bernardino, State of California, and more particularly described in Exhibit "A" attached hereto ("**Property**").

B. The Property is outside of City's territorial boundaries but within City's Sphere of Influence.

C. Owner has requested permission to connect the Property, and existing and/or proposed improvements on the Property, to the City's sanitary sewer system ("**Sewer**").

D. City is willing to allow Owner to connect the Property to the Sewer on the condition that Owner (i) enter into an irrevocable agreement to annex the Property to the City at such time as the City determines a sufficient number of parcels are assembled for annexation and the number of parcels or area qualifies for annexation in accordance with the Local Agency Formation Commission (LAFCO) policy pertaining to such annexations, and (ii) that Owner constructs those certain sewer main extension improvements at Serenity Trail and Reservoir Road shown on Exhibit "B" attached hereto ("Sewer Main Improvements") based on a Public Improvement Agreement to be entered into between City and Owner as a condition to plan check approval for the Sewer connection.

E. The effectiveness of this Agreement is conditioned on the Inland Empire Utility Agency ("IEUA") confirming that there is enough capacity in the existing sewer line in Chino Avenue to the south to accommodate the connection from the added sewer infrastructure along Serenity Trail and Reservoir Road. City's recordation of this Agreement in the Official Records shall constitute City's confirmation of receipt of such written confirmation from IEUA in form and content acceptable to City.

F. As required by Government Code Section 56133, the City has requested and received approval from the Local Agency Formation Commission (LAFCO) of San Bernardino County ("LAFCO") to provide Sewer services to the Property.

G. This Agreement amends and replaces in its entirety that certain Covenant Agreement to Annex and for Sanitary Sewer Connection entered into between the parties dated June 15, 2021.

AGREEMENT

NOW, THEREFORE, the Parties agree as follows:

1. **Incorporation of Recitals.** The foregoing recitals are incorporated herein by reference.

2. **Effective Date; Duration.** The effectiveness of this Agreement shall be contingent upon the Inland Empire Utility Agency ("IEUA") providing written confirmation to City that there is enough capacity in the existing sewer line in Chino Avenue to the south to accommodate the connection to the Sewer and the additional flow estimated from added sewer infrastructure along Serenity Trail and Reservoir Road. Should such confirmation occur, the effective date of this Agreement ("**Effective Date**") shall be the date this Agreement is thereafter recorded in the Official Records of San Bernardino County ("**Official Records**") and shall continue in full force and effect until terminated in accordance with Section 7 below. Owner shall execute and acknowledge this Agreement and deliver it to City for execution after which City shall have it recorded in the Official Records and send a recorded copy to Owner.

3. **Owner's Representations and Warranties.** Owner represents and warrants to the City that, as of the Effective Date, Owner is the fee owner of the Property, that there are no other owners of the Property other than those listed in this Agreement, and that Owner has authority to execute this Agreement which shall be binding on the Property.

4. **Covenants, Restrictions and Obligations.** Owner covenants and agrees as follows:

(a) **Annexation.**

(i) At such time as the City decides to seek annexation of the Property to the City ("**Annexation**"), in the City's sole discretion, Owner shall consent to the Annexation, shall fully cooperate with and provide all necessary assistance to the City during the Annexation process, and shall take all actions required to effectuate the Annexation. Owner waives all rights to protest or otherwise oppose the Annexation of the Property to the City of Chino. Specifically, Owner shall not present any written or oral protest of or objection to Annexation to LAFCO, and shall not object (either orally or in writing) to any proposal by LAFCO to waive protest proceedings concerning the Annexation, whether at a public hearing or otherwise.

(ii) Additionally, Owner shall pay all fees and costs, at the time that they become due and payable, as would ordinarily be charged to an Owner whose property is being considered for annexation or is annexed to the City, if any.

(iii) Additionally, as a condition to plan check approval by City for the connection of the Sewer, Owner shall enter into a Public Improvement Agreement with the City committing to perform the Sewer Main Improvements shown on Exhibit B and as shall be further described in the Public improvement Agreement within the timeline to be set forth therein, providing applicable bonds for such Sewer Main Improvements, complying with the public works procedures and standards imposed by City pursuant to such agreement and all other relevant provisions therein. Owner acknowledges that it has been provided with a copy of the City's standard Public Improvement Agreement and agrees to the use of such form and terms.

(b) **Sewer Connection.** Owner shall (i) pay all fees, charges, and deposits required by the City for connection to and use of the Sewer, including but not limited to fees for Sewer Maintenance and IEUA Sewage Treatment, and the Sewer Main Improvements; (ii) shall complete all improvements required to extend the Sewer to the Property, in accordance with City standards (as determined by the City Engineer), at Owner's sole expense; and (iii) shall comply with all City codes and standards regarding use of the Sewer, including but not limited to, discharge regulations. At such time Owner completes the Sewer Main Improvements, Owner shall have no further liability or obligation with respect to the Sewer Main Improvements except as otherwise provided in this Section 4(b).

5. **Extension of Sewer Services.** City agrees to allow the Property to connect to the Sewer, subject to Owner's compliance with the terms of this Agreement and subject to any conditions imposed by LAFCO in its approval of City's request to extend Sewer services to the Property, if any, which are incorporated herein.

6. **Runs with the Land.** This Agreement shall run with and burden the Property and all future owners, tenants, and occupants of the Property, and shall run in favor of the City in gross as a covenant and equitable servitude and shall benefit all real property owned by the City from time to time.

7. **Release of Covenant.** Provided Owner is not in default of this Agreement, Owner may request that this Agreement be released from title to the Property by sending written notice to City requesting the release after the Property has been annexed to the City of Chino. Upon confirmation of compliance with the foregoing to the reasonable satisfaction of the City, City shall execute a release in a form approved by the City Attorney, which shall be executed and acknowledged by the City and recorded in the Official Records. The release may be executed by the City Manager.

8. **Violations; Remedies.**

(a) **Breach of Annexation Covenant.**

(i) Owner's breach of Section 4(a)(i) of this Agreement will cause substantial injury to the City, including but not limited to delaying and potentially preventing City's ability to annex the Property and other properties to the City, which is the City's primary aim and intent in entering into this Agreement. Since the determination of actual damages caused by a breach of Section 4(a)(i) would be difficult or impractical to determine, City and Owner agree that if Owner breaches Section 4(a)(i) either by making a protest or objection as described in Section 4(a)(i) or refusing to take any actions required to effectuate the Annexation, Owner shall be liable for and shall pay to the City the sum of Ten Thousand Dollars (\$10,000), and shall also reimburse the City for all costs (including legal fees) incurred by the City as a result of Owner's breach, all of which shall be due upon demand by

the City, and shall be due whether or not Owner's breach prevents Annexation. City may also seek any other remedy for such breach available under law.

(ii) If Owner refuses or fails to timely make any payment described in Section 4(a)(ii), Owner authorizes City to make such payment on Owner's behalf and Owner shall reimburse City for such payment within (30) days of a written demand by the City.

(b) **Breach of Sewer Regulations.** If the City believes Owner has violated Section 4(c) of this Agreement, City may provide written notice of breach and demand that Owner remedy the breach within thirty (30) days of receipt of the notice. If Owner fails to remedy the breach in the specified time period and provide proof thereof to the reasonable satisfaction of the City, Owner shall be liable for and shall pay to the City One Hundred Dollars (\$100.00) per day until the breach is cured to the City's reasonable satisfaction.

(c) **Rights and Remedies are Cumulative.** The rights and remedies of the City listed in this Section 8 are cumulative and the exercise by City of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by Owner.

(d) **Lien.** If any amount due to the City under this Section 8 is not paid within thirty (30) days of a written demand by the City, City shall have the right to record a lien against the Property for such amount.

9. **Amendment or Modification.** This Agreement may not be amended or modified except (i) in writing executed by the then current owner(s) of the Property and the City, and (ii) recorded in the Official Records.

10. **Notices.** Any notice to be given under this Agreement shall be given by personal delivery or by depositing the same in the United States Mail, certified or registered, postage prepaid, at the following addresses:

City: City of Chino
13220 Central Avenue
Chino, CA 91710
Attn: Director of Development Services

With Copy to: City of Chino
13220 Central Avenue
Chino, CA 91710
Attn: City Attorney

Owner: Summerland Chino Manager, LLC
c/o Salis Law
26060 Acero, Suite 510
Mission Viejo, CA 92691
Attn: Adam Salis, Asset Manager

Any notice delivered personally shall be effective upon delivery. Any notice given by mail as above provided shall be effective forty-eight (48) hours after deposit in the mail. Any party may change address for notice by giving written notice of such change to the other party.

11. **Miscellaneous.**

(a) **Severability.** If any term of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this Agreement, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable term had never been included.

(b) **Governing Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of California and any legal action shall be brought in a court of competent jurisdiction in San Bernardino County.

(c) **Attorney's Fees.** In the event of any litigation or other legal proceeding arising from this Agreement, the prevailing party will be entitled to recover, in addition to any other relief awarded or granted, its reasonable costs and expenses, including attorney's fees, incurred in the proceeding.

(d) **Final Agreement.** This Agreement contains the entire understanding and agreement with respect to the subject matter of this Agreement and all prior or contemporaneous documents, communications, understandings, representations, and statements shall be of no force or effect.

(e) **Construction.** This Agreement shall be construed according to its fair meaning as if prepared by all parties to this Agreement. Headings used in this Agreement are provided for convenience only and shall not be used to construe meaning or intent.

(f) **No Waiver.** The failure to enforce any term, covenant, or condition of this Agreement shall not be construed as a waiver of the right to enforce this, or any other, term, covenant, or condition of this Agreement.

(g) **Counterparts.** This Agreement may be executed in any number of counterparts each of which shall be an original but all of which shall constitute one and the same document.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective officials thereunto duly authorized.

CITY:

CITY OF CHINO, a municipal corporation

Matthew C. Ballantyne, City Manager

ATTEST:

Angela Robles, City Clerk

**APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP**

Fred Galante, City Attorney

APPROVED AS TO CONTENT:

Nicholas S. Liguori, AICP
Director of Development Services Department

OWNER:

**SUMMERLAND CHINO MANAGER, LLC, a
California limited liability company**

By: _____

Name: _____

Title: _____

MS:

[OWNER'S SIGNATURE SHALL BE NOTARIZED]

EXHIBIT A

PROPERTY DESCRIPTION

That certain real property in the County of San Bernardino, State of California, legally described as follows:

PARCEL NO. 4 OF PARCEL MAP 3164, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 33, PAGES 30-31 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY:

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

THAT PORTION OF SAID LAND LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 8 WEST, AS SHOWN ON MAP "D" BEING A MAP OF AN EXTENSION OF THE SUBDIVISION OF RANCHO SANTA ANA DEL CHINO, RECORDED IN BOOK 12, PAGES 47 AND 48 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THENCE ALONG THE EAST SECTION LINE OF SAID SECTION 8, NORTH 00° 24' 46" EAST 218.98 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH 69° 53' 22" WEST 90.84 FEET, THENCE NORTH 52° 27' 02" WEST 106.04 FEET, THENCE NORTH 46° 09' 06" WEST 193.10 FEET, THENCE NORTH 49° 54' 13" WEST 153.85 FEET, THENCE NORTH 58° 13' 42" WEST 251.63 FEET, THENCE NORTH 53° 01' 36" WEST 296.55 FEET TO THE SOUTHWESTERLY LINE OF PARCEL 1 OF PARCEL MAP NO. 5925, AS PER MAP RECORDED IN BOOK 63, PAGE 66 OF SAID PARCEL MAPS,

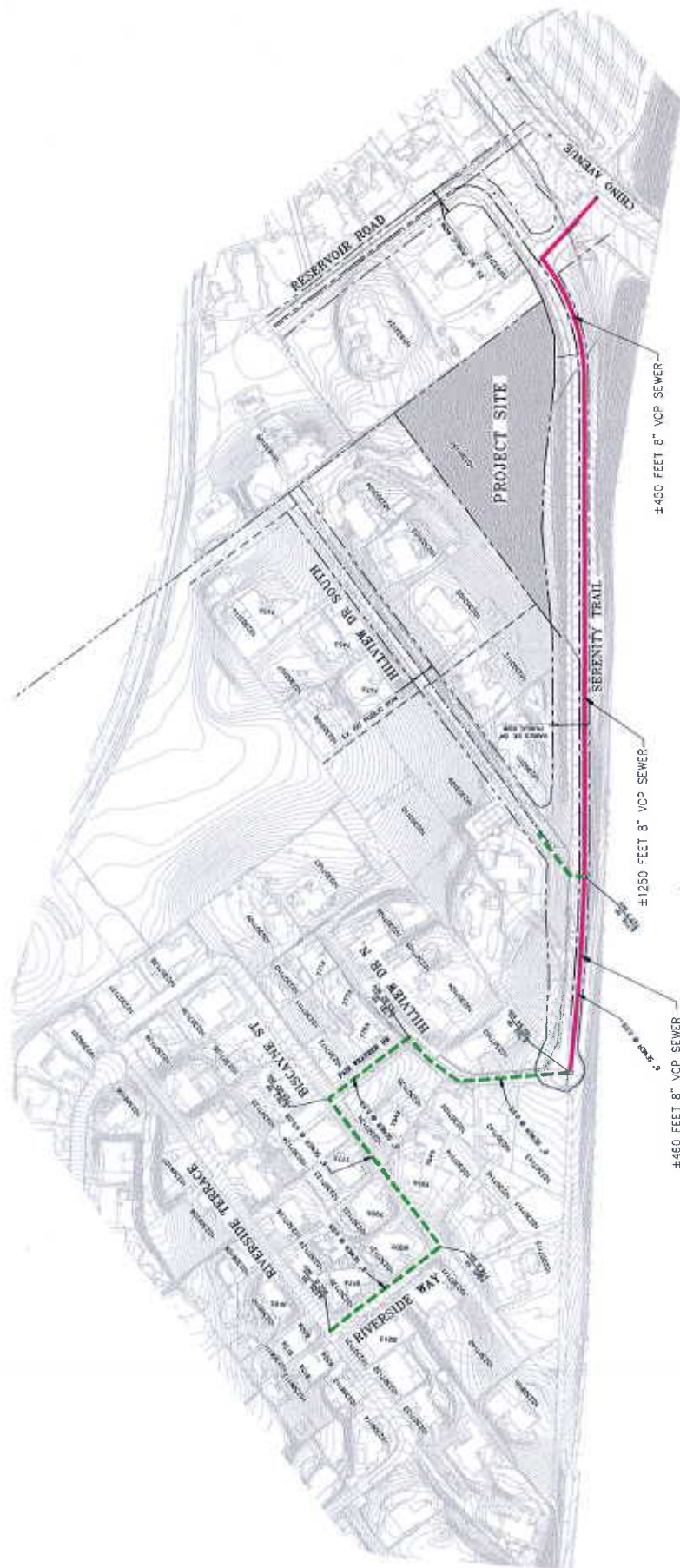
AS SHOWN ON THE AMENDED FINAL ORDER OF CONDEMNATION NO. RCV 03267 RECORDED SEPTEMBER 28, 1994 AS INSTRUMENT NO. 94-426624 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO COUNTY OF SAN BERNARDINO AS MORE FULLY DESCRIBED ON DOCUMENT RECORDED JANUARY 28, 2004 AS INSTRUMENT NO. 04-67778 OF OFFICIAL RECORDS.

EXHIBIT B

**SEWER MAIN EXTENSION FOR
SERENITY TRAIL AND RESERVOIR ROAD**

[attached]



LEGEND

1

INDRANIL SEN GUPTA, PROJECT LEADER

FUTURE SENESEMY TRAIL SEWER MAIN EXTENSION
BY OTHERS

NOTE: SENECA TRAIL RESERVOIR RD AND HILLVIEW SOUTH DR HAVE PUBLIC ROW. OTHERS ARE PRIVATE ROADS OR MAY HAVE PRIVATE EASEMENTS. SEWER EASEMENTS WOULD BE REQUIRED.

CITY OF CHINO

SERENITY TRAIL SEWER MAIN

SERENITY TRAIL

Multi-Zedars, Inc. Order to
we receive, call us at 1-800-233-2333 or 1-800-233-2333

SHEET 1 NO. 1

CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

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

State of California)

County of San Bernardino)

On 12/20/2021 before me, Andrea E. Flores
(here insert name and title of the officer)

personally appeared Edward David Horowitz

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

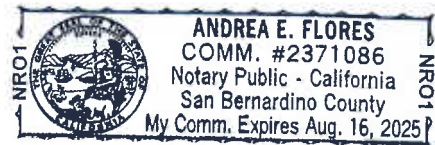
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Andrea E. Flores

(Seal)



Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Amended and restated covenant Agreement to Annex and for Sanitary Sewer connection containing 8 pages, and dated 12/20/2021.

The signer(s) capacity or authority is/are as:

- ☐ Individual(s)
☐ Attorney-in-Fact
☐ Corporate Officer(s) _____ Title(s) _____

☐ Guardian/Conservator
☐ Partner - Limited/General
☐ Trustee(s)
☐ Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information

Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

☐ form(s) of identification ☐ credible witness(es)

Notarial event is detailed in notary journal on:

Page # 21 Entry # 6

Notary contact: _____

Other

☐ Additional Signer(s) ☐ Signer(s) Thumbprint(s)

☐

CONDITIONS OF APPROVAL
Summerland Senior Care Facility Chino
General Plan Amendment and Conditional Use Permit

GENERAL REQUIREMENTS
Ongoing and Operational Conditions

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

1. Project Approval Description. This Conditional Use Permit (CUP) is conditionally approved for a 3-story, 45 foot tall senior assisted living and memory care facility, consisting of 109 units on 3.16 acres and a General Plan/Land Use/Zoning Map Amendment from Single Residential, 1-acre minimum (RS-1) to General Commercial (CG), 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: 1023-011-51 Project No. PROJ-2019-00004.

2. Project Location. 13225 Serenity Trail, unincorporated Chino.
3. 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)
4. 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.

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA
Planning Commission Hearing Date: June 18, 2020
Board of Supervisors Meeting: July 28, 2020

EFFECTIVE DATE: July 28, 2020
EXPIRATION DATE: July 28, 2023

5. Expiration. This project permit approval shall expire and become void if the CUP is not “exercised” within three (3) years of the effective date of this approval, unless an extension of time is approved. The approval is deemed “exercised” and the CUP shall remain effective for a period not to exceed ten (10) years when either:
- a. The permittee has commenced actual construction or alteration within three (3) years under a validly issued building permit and construction of all future phases has commenced within ten (10) years of the date of this approval, or
 - b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)

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

6. 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.
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-2019-00004. 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.

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA
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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 and two “red” stamped and signed approved copies of the grading plans.
 - Building Permits: a copy of the signed CCRF for building permits and three “red” stamped and signed approved copies of the final approved site plan.
 - 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, Caltrans
 - c. COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/ County Surveyor, and
 - d. LOCAL: Monte Vista Water District, Chino Valley Independent Fire District
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 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) Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - d) Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - e) 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.
 - f) 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.
 - g) 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.
 - h) 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.

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA
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- i) 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. Lighting shall comply with SBCC Chapter 83.13 Sign Regulations and SBCCS 83.07.030 "Glare and Outdoor Lighting – Valley Region". All lighting shall be limited to that necessary for maintenance activities and security purposes. No light shall project onto abutting residential land uses or districts or the public right-of-way, nor 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, or by light inside the sign.
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 (SBCCS 83.02.030).
17. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum Director, telephone (909) 798-8601.
18. 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.
19. 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.
20. The hours of operation shall be restricted as follows:
 - Visiting hours shall be limited to 7:00 am – 9 pm Monday through Sunday.
 - Outdoor activity hours shall be limited to 7:00 am – 10 pm Monday through Sunday
 - Loading and Unloading shall be limited to Monday through Saturday 7:00 am to 5:00 pm.
21. 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.
22. 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.

CONDITIONS OF APPROVAL

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

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

24. **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), Chapter 86.09 – Enforcement.
25. **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

26. **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.
27. **Natural Drainage.** The natural drainage courses traversing the site shall not be occupied or obstructed.
28. **Additional Drainage Requirements.** In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
29. **Erosion Control Installation.** Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
30. **Continuous BMP Maintenance.** The property owner/“developer” is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to ensure peak performance of all BMPs.

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA
Planning Commission Hearing Date: June 18, 2020
Board of Supervisors Meeting: July 28, 2020

EFFECTIVE DATE: July 28, 2020
EXPIRATION DATE: July 28, 2023

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.

31. **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

32. **Noise.** 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.
33. **Septic System Maintenance.** The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.
34. **Refuse Storage/Removal.** All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least **2** times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: (800) 442-2283.

CHINO VALLEY INDEPENDENT FIRE DISTRICT

35. **Construction Permits.** Construction permits are required for private on-site water projection improvements, building constructions (office and canopy), fire sprinklers (must be done by a C-16 contractor), and for fire alarms.
36. **Jurisdiction.** The above referenced project is under the jurisdiction of the Chino Valley Fire Department.
37. **Fire Alarm System.** The building will require and automatic fire alarm system.

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 (USA Waste of California).
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.** Beginning July 1, 2012, all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential

CONDITIONS OF APPROVAL

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Planning Commission Hearing Date: June 18, 2020

Board of Supervisors Meeting: July 28, 2020

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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 Trash Service.** This project falls within a Uniform Handling Service area. If uniform handling is implemented in all or part of a particular franchise area, all owners of a dwelling or a commercial or industrial unit within the uniform handling area who are required to have uniform handling service shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.
42. **Mandatory Organics Recycling.** As of April 2016, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate eight (8) cubic yards of organics per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics though not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.
43. **Demolition Debris.** San Bernardino County owned and operated sanitary landfills and transfer stations are not permitted to accept asbestos contaminated wastes, therefore any debris generated by the demolition of structures are subject to asbestos clearance prior to disposal at any San Bernardino County disposal sites. Applicants are required to have a Certified Asbestos Consultant perform testing of all materials to be disposed. Upon receipt of the Consultant's report, indicating that the debris is not contaminated, Solid Waste Management Operations Section will provide applicant with disposal authorization. For more information on Certified Asbestos Consultants please visit <http://www.dir.ca.gov/databases/doshacru/acruList.asp>, or for information on County requirements please contact Solid Waste Operations at 909-386-8701 or solid.wastemail@dpw.sbcounty.gov
44. **Mandatory Commercial Organics Recycling.** As of January 1, 2019, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards 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 on efforts to recycle organics materials once operational.

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA

Planning Commission Hearing Date: June 18, 2020

Board of Supervisors Meeting: July 28, 2020

EFFECTIVE DATE: July 28, 2020
EXPIRATION DATE: July 28, 2023

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

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

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

46. 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).
47. Record of Survey. 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.

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

The Following Shall Be Completed

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

48. Air Quality. Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the South Coast Air Quality Management District is in non-attainment status for ozone and suspended particulates [PM₁₀ and PM_{2.5} (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:
- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 - 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 - 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
 - 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.
 - b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NO_x and PM₁₀ levels in the area. Although the Project will not exceed South Coast Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA

Planning Commission Hearing Date: June 18, 2020

Board of Supervisors Meeting: July 28, 2020

EFFECTIVE DATE: July 28, 2020
EXPIRATION DATE: July 28, 2023

1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
 3. All commercial vehicles are restricted to idle for not more than 5 minutes per trip on site.
 4. On-site electrical power connections shall be made available, where feasible.
 5. All transportation refrigeration units (TRU's) shall be provided electric connections, when parked on-site.
49. **Mitigation Measure AIR-1: Limit Amount of Soil Import and Export.** Prior to the issuance of a grading permit, the following note shall be included on the grading plan: "Limit the amount of material imported or exported to the site to forty (40) truckloads per day or less during the site preparation and grading phase of construction."
50. **Mitigation Measure CR-1: Inadvertent Discoveries.** Prior to the issuance of a grading permit, the following note shall be included on the grading plan:
- "1. In the event that pre-contact 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 the Secretary of the 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 the assessment period.
 - 2. If significant pre-contact resources, as defined by CEQA (as amended 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
 - 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) 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's grading activities."
51. **Mitigation Measure GEO-1: Treatment of Previously Unidentified Paleontological Resources.** Prior to the issuance of a grading permit, the following note shall be included on the grading plans: "If previously unidentified paleontological resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified Paleontologist assesses the significance of the resource. The County of San Bernardino Land Use Services Department shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5
- (a)). The plan shall include, but not be limited to:
 - 1. Preparation of recovered specimens to a point of identification and permanent preservation including washing of sediments to recover small invertebrates and vertebrates.
 - 2. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA

Planning Commission Hearing Date: June 18, 2020

Board of Supervisors Meeting: July 28, 2020

EFFECTIVE DATE: July 28, 2020
EXPIRATION DATE: July 28, 2023

adverse impact to significant paleontological resources is not complete until such curation into an established repository has been fully completed and documented.

- **3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the County Land Use Services Department-Current Planning along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources.”**

52. Mitigation Measure NOI-1: Construction Noise. Prior to the issuance of a grading permit and building permit, the following note shall be placed on the grading plans and building plans.

- **“a. During the project site excavation and grading, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with the manufactures standards.**
- **b. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.**
- **c. The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday excluding holidays.**
- **d. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction.**
- **e. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.”**

53. Mitigation Measure TCR-1: Tribal Cultural Resources. Retain a Native American Monitor/Consultant:

Prior to the issuance of a grading permit, the Project Applicant shall be required to agree to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC’s Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day’s activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

Unanticipated Discovery of Tribal Cultural and Archaeological Resources:

Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA

Planning Commission Hearing Date: June 18, 2020

Board of Supervisors Meeting: July 28, 2020

EFFECTIVE DATE: July 28, 2020
EXPIRATION DATE: July 28, 2023

construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Sections 21083.2(b) for unique archaeological resources:

Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin 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, they shall be offered to a local school or historical society in the area for educational purposes.

Unanticipated Discovery of Human Remains and Associated Funerary Objects:

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

Resource Assessment & Continuation of Work Protocol:

Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner.

Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

Kizh-Gabrieleno Procedures for burials and funerary remains:

If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures 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 burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino
APN: 1023-011-51/PROJ-2019-00004/CUP/GPA
Planning Commission Hearing Date: June 18, 2020
Board of Supervisors Meeting: July 28, 2020

EFFECTIVE DATE: July 28, 2020
EXPIRATION DATE: July 28, 2023

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.

Treatment Measures:

Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected.

If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes.

Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

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

Professional Standards: Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

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

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA

Planning Commission Hearing Date: June 18, 2020

Board of Supervisors Meeting: July 28, 2020

EFFECTIVE DATE: July 28, 2020
EXPIRATION DATE: July 28, 2023

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

55. 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 or land disturbance.
56. Geology Report. If cut slopes steeper than 2:1 (horizontal to vertical) or grading involving 5,000 cubic yards or more are proposed, a geology report shall be submitted to the Building and Safety Division for review and approval by the County Geologist and fees paid for the review prior to issuance of grading permits or land disturbance.
57. Wall Plans. Submit plans and obtain separate building permits for any required site or retaining walls.

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

58. 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.
59. FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8615H dated 8/28/2008. No elevation requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
60. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
61. Grading Plans. Grading and Erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
62. 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
63. 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.
64. On-site Flows. On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
65. 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.

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA
Planning Commission Hearing Date: June 18, 2020
Board of Supervisors Meeting: July 28, 2020

EFFECTIVE DATE: July 28, 2020
EXPIRATION DATE: July 28, 2023

Copies of the WQMP guidance and template can be found at:
(<http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>)

66. 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.

CHINO VALLEY INDEPENDENT FIRE DISTRICT

67. Fire Department Access. All fire department access shall be a minimum width of 26' feet. In the event the length exceeds 150' feet, it shall be provided with an approved turnaround.
68. Emergency Access. Two points of emergency vehicle access is required to the site. The second point of access can be for emergency vehicle access only. Location to be approved by the City and FD.
69. Aerial Access. Based on the buildings proposed height (over 30' feet), aerial access will be required along one side of the building. The access width of 26' feet shall be a minimum of 15' feet from the building and a maximum of 30' feet from the building. A public street shall not be used for aerial access, it shall be provided onsite.
70. Turning Template. Provide turning template on EVA using a minimum inside turning radius of 20' ft. and outside radius of 35' ft.
71. Utility Plan. Provide a utility plan showing the locations of proposed on-site fire hydrants. Maximum distance spacing between hydrants shall not exceed 300' feet apart. Hydrants on north side of building are over spaced. Additional hydrant needed.
72. Fire Sprinklers. The building will be required to be equipped with fire sprinklers. Two points of connection to the public main are required for buildings over 100,000 sq. ft. Provide the proposed connection locations on the utility plan.

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

73. Noise Level. 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.
74. Septic System. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.
75. Refuse. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 1 time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: 1-800-442-2283.

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA

Planning Commission Hearing Date: June 18, 2020

Board of Supervisors Meeting: July 28, 2020

EFFECTIVE DATE: July 28, 2020
EXPIRATION DATE: July 28, 2023

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

76. 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).
77. Record of Survey. 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:
- Monuments set to mark the property lines.
 - 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;
 - Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

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

75. 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.
76. Exterior Lighting Features. External structures or lighting shall be allowed only where the lighting is activated and controlled by motion sensors.
77. Street Lights. The project site is located within an urbanized area and street lights are required. Street Lighting plans and plan check fees must be submitted to Special Districts Department for review and approval. Please submit plans to Special Districts Department, 157 W. 5th Street, 2nd Floor, San Bernardino, CA 92415-0450, (909) 387-5940.
78. Power Lines. As required in County Development Code Section 84.27.050(k), the applicant shall not extend any new aboveground power or communication lines to the site, unless clear and convincing evidence demonstrates that undergrounding these lines would result in substantial environmental impacts. Prior to installation of power line whether underground or overhead, submittal of verification to the County Planning Division is required prior to issuance of building permits.
79. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA

Planning Commission Hearing Date: June 18, 2020

Board of Supervisors Meeting: July 28, 2020

EFFECTIVE DATE: July 28, 2020
EXPIRATION DATE: July 28, 2023

80. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.
- a. Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended:
- Incorporate dual paned or other energy efficient windows,
 - Incorporate energy efficient space heating and cooling equipment,
 - Incorporate energy efficient light fixtures, photocells, and motion detectors,
 - Incorporate energy efficient appliances,
 - Incorporate energy efficient domestic hot water systems,
 - Incorporate solar panels into the electrical system,
 - Incorporate cool roofs/light colored roofing,
 - Incorporate other measures that will increase energy efficiency.
 - Increase insulation to reduce heat transfer and thermal bridging.
 - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
- b. Plumbing. All plumbing shall incorporate the following:
- All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
 - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
 - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- c. Lighting. Lighting design for building interiors shall support the use of:
- Compact fluorescent light bulbs or equivalently efficient lighting.
 - Natural day lighting through site orientation and the use of reflected light.
 - Skylight/roof window systems.
 - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
 - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
 - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d. Building Design. Building design and construction shall incorporate the following elements:
- Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
 - Roofing materials shall have a solar reflectance index of 78 or greater.
 - All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
 - Energy Star or equivalent appliances shall be installed.
 - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

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Planning Commission Hearing Date: June 18, 2020

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- e. Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
 - f. Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
 - g. Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
 - h. Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.
81. **Mitigation Measure NOI-2: Rooftop Equipment.** Prior to the issuance of a building permit the following note shall be placed on the building plans. “Mitigation Measure NOI-2: Rooftop Equipment. Locate all rooftop mechanical equipment as far away from neighboring residential properties as possible, and not less than 100 feet from property line, and provide a 5-foot parapet wall along rooftop to shield equipment.”
82. **Mitigation Measure NOI-3: Perimeter Wall.** Prior to the issuance of a building permit the following note shall be placed on the building plans. “Mitigation Measure NOI-3: Perimeter Wall. Install 6-foot masonry block sound wall along parcel boundary as measured from the highest adjacent grade.”
83. **Mitigation Measure NOI-4: Memory Garden Wall.** Prior to the issuance of a building permit the following note shall be placed on the building plans. “Mitigation Measure NOI-4: Memory Garden Wall. Install 6-foot masonry block sound wall around memory care garden.”
84. 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. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.030, Glare and Outdoor Lighting - Valley Region, in addition to the following minimum standards:
- a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
 - b. All sign lighting shall not exceed 0.5 foot-candle.

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

APN: 1023-011-51/PROJ-2019-00004/CUP/GPA
Planning Commission Hearing Date: June 18, 2020
Board of Supervisors Meeting: July 28, 2020

EFFECTIVE DATE: July 28, 2020
EXPIRATION DATE: July 28, 2023

- c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
- d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

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

- 85. Temporary Use Permit. A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.
- 86. Construction Plans. Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division. Prior to occupancy all Department/Division requirements and sign-offs shall be completed

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

- 87. 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.

Serenity Trail (Local Street – 60')

- Sidewalks. Design sidewalks per County Standard 109 Type "C".
- Driveway Approach. Design driveway approach per 2010 Caltrans Driveway Standard Detail A87A (W=24' min – 34' max), and located per San Bernardino County Standard 130.

- 88. 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.
- 89. 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.
- 90. Street Type Entrance. Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
- 91. 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.
- 92. Two Access Points. A minimum two points of ingress/egress are required or alternative approved by County Fire Department.
- 93. Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Chino Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Land Use Services Department. The Plan Fee shall be

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

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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 \$4,880 per unit for Multi Family Use, which includes the 109 units per the site plan dated June 19, 2019.

Therefore, the estimated Regional Transportation Fees for the Project is \$531,920. The current Regional Transportation Development Mitigation Plan can be found at the following website: <http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>

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

94. Water purveyor. Water purveyor shall be Monte Vista Water District or EHS approved.
95. Water Service. Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
96. Sewage Disposal. Method of sewage disposal shall be City of Chino Muni Agency, or, if not available, EHS approved onsite wastewater treatment system (OWTS).
97. NEW OWTS. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per September 2019 standards shall be submitted to EHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
98. Water 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.
99. Wells. If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to EHS standards, properly sealed and certified as inactive OR (3) constructed to EHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.
100. Plans for Food Establishment. Plans for food establishments shall be reviewed and approved by EHS. For information, call EHS/Plan Check at: 1-800-442-2283.
101. Acoustical Study. Preliminary acoustical information must be submitted demonstrating that the proposed project maintains noise levels at/or below County Noise Standard(s), San Bernardino Development Code (§ 83.01.080, 87.0905). 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 DEHS for review and approval. For more information and request an acoustical checklist contact DEHS. (800) 442-2283

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

102. Construction Waste Management Plan (CDWMP) Part 1. The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project if construction or demolition is proposed. The CWMP shall list the types and weights or volumes of solid waste materials expected to be

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

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generated from demolition. The CDWMP shall include options to divert from landfill disposal, materials for reuse or recycling by a minimum of 50% of total weight or volume. Forms can be found on our website at www.sbcounty.gov/dpw/solidwaste. An approved CDWMP Part 1 is required before a demolition permit can be issued.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

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

103. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number PROJ-2019-00004.
104. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance").
105. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each reviewing agency.
106. 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.
107. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
108. 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 to the satisfaction of County Planning and County Building and Safety.

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

109. Medical Waste Generator Permit. A Medical Waste Generator Permit, if applicable shall, be required. For information, contact DEHS at: 1-800-442-2283.

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

110. Signs. Sign lighting shall comply with California Energy regulations.

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

111. 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. Certification letter shall be submitted to Land Development.

CONDITIONS OF APPROVAL

Summerland Senior Care Facility Chino

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112. 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.
113. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
114. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
115. 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.
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. 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.

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

118. C&D Plan – Part 2. The developer shall complete SWMD's C&D Plan Part 2". This summary shall provide documentation of actual diversion of materials including but not limited to receipts or letters from diversion facilities or certification reuse of materials on site. The C&D Plan – Part 2 shall provide evidence to the satisfaction of County Solid Waste that demonstrates that the project has diverted from landfill disposal materials for reuse or recycling by a minimum of 50 percent of total volume of all construction waste if construction occurs.

END OF CONDITIONS

TOM DODSON & ASSOCIATES

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

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

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



February 2, 2022

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

RECEIVED

FEB 03 2022

LAFCO
San Bernardino County

Dear Sam:

LAFCO SC#478 consists of an application for Extension of Service by Contract by the City of Chino. The specific action before the Local Agency Formation Commission (LAFCO) consists of a request by Summerland Chino Manager, LLC to the City of Chino (City) to extend sewage collection service to the Summerland Senior Living Project. This project consists of a 109-unit assisted living/memory care located on 3.16 acres of land at 13225 Serenity Trail which is located within the City of Chino's eastern sphere of influence. See attached map. If the Commission approves LAFCO SC#478, the project can move forward with development and connect to the City's sewer collection system.

To support the approval of the Summerland Senior Living Project, the County of San Bernardino (County) prepared and adopted a Mitigated Negative Declaration, and filed a Notice of Determination (NOD) on July 29, 2020 as its compliance with the California Environmental Quality Act (CEQA). The County approved the project with a Conditional Use Permit that envisioned the project would be served by an on-site septic tank/leach line system. The change to a sewer connection is considered a better solution to managing wastewater generated from the proposed facility. However, due to the sewer line having to be extended an estimated 2,150 linear feet. Fortunately, the proposed pipeline extension will all occur within paved right-of-way (Serenity Trail, see attached map) and CEQA (Section 15282(k) indicates that installation of a new pipeline in such a right-of-way that is less than one mile in length is not an action subject to CEQA, i.e., is Statutorily Exempt.

As indicated, the County authorized a Conditional Use Permit based on the finding that the project meets the requirements of a Mitigated Negative Declaration. The County did issue Conditions of Approval for the project and identified mitigation measures. None of the measures is the direct responsibility of the Commission, but in order to connect to the City's sewer collection system this extension of service contract must be approved by the Commission. Therefore, I am recommending that the Commission consider the adopted Mitigated Negative Declaration as a CEQA Responsible Agency as the appropriate CEQA environmental determination for LAFCO SC#478.

Based on this review of LAFCO SC#478 and the pertinent sections of CEQA and the State CEQA Guidelines, I believe it is appropriate for the Commission's CEQA environmental determination to cite the County's Mitigated Negative Declaration and NOD as adequate documentation in accordance with the Commission's CEQA Responsible Agency status. The CEQA review process was carried out in 2020, and based on a field review, no substantial changes in circumstances have occurred since its adoption that would require additional environmental documentation. Under this situation, I recommend that the Commission take the following steps if it chooses to approve LAFCO SC#478, acting as a CEQA Responsible Agency:

1. Indicate that the Commission staff and environmental consultant have independently reviewed the County's Mitigated Negative Declaration and found it adequate for the extension of sewer service proposal contained in LAFCO SC#478.
2. The Commission needs to indicate that it has considered the Mitigated Negative Declaration and the County's finding that the environmental effects of the proposed project are less than significant, prior to reaching a decision on the project, and finds the conclusion in the Mitigated Negative Declaration adequate for approval of the extension of sewer service proposal contained in LAFCO SC#478.
3. The Commission should indicate that it does not intend to adopt alternatives or new mitigation measures for this project. The Conditions of Approval imposed on this project will remain the responsibility of the County to implement.
4. File a new Notice of Determination with the County Clerk of the Board acting as a CEQA Responsible Agency.

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

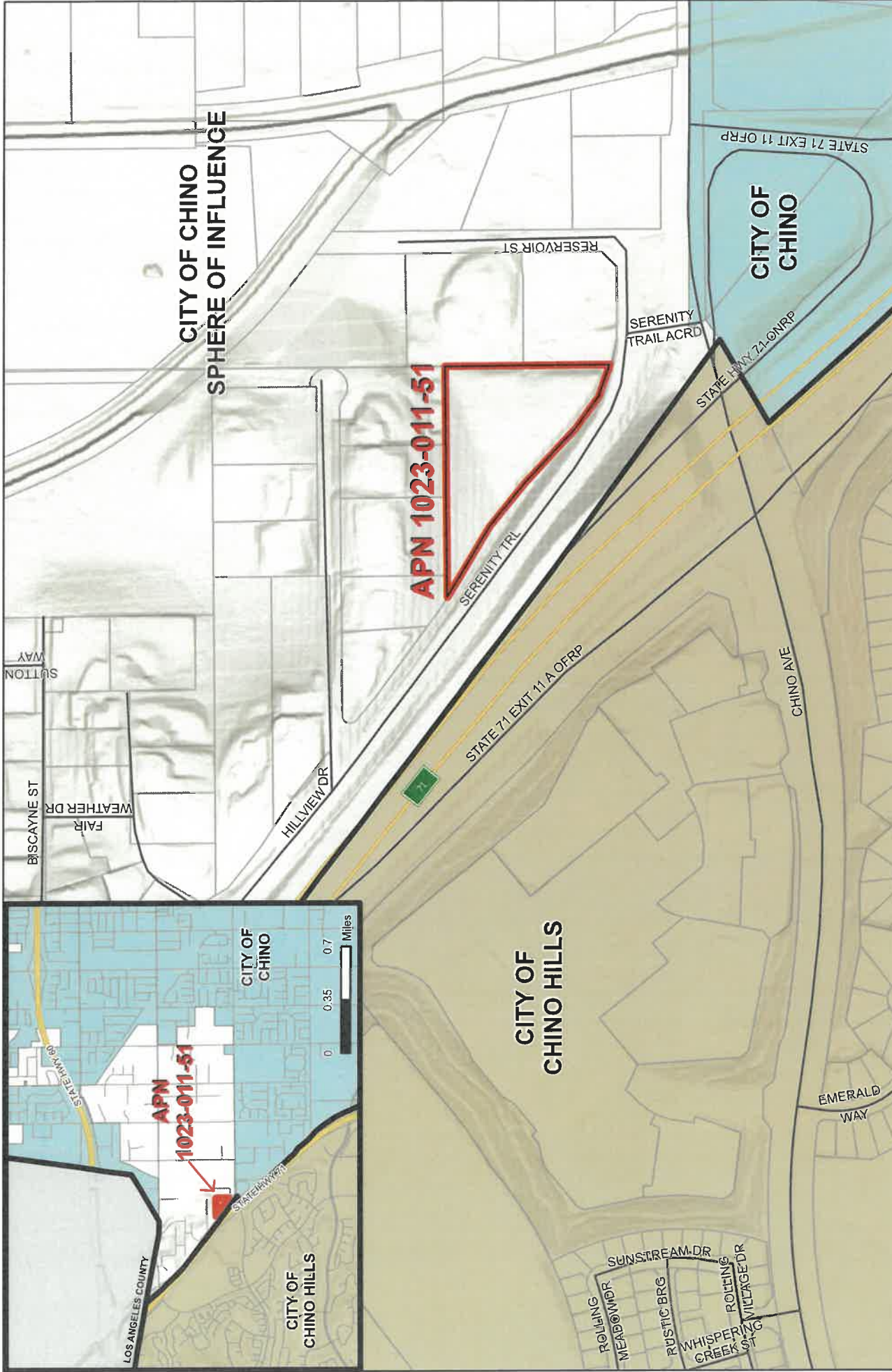
Sincerely,

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

Tom Dodson

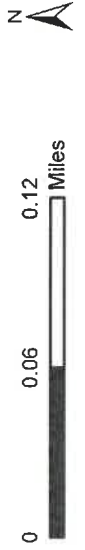
TD/cmc

LAFCO/LA-1019 SC#478 Resp Agency



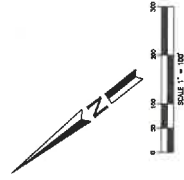
LAFCO SC#478 – City of Chino Covenant Agreement to Annex for Sewer Service (APN 1023-011-51)


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



-  APN 1023-011-51
-  City of Chino Hills
-  City of Chino
-  City Spheres of Influence

SEWER MAIN EXTENSION EXHIBIT FOR SERENITY TRAIL



LEGEND

- PROPOSED SEWER PROJECT LIMITS
- FUTURE SERENITY TRAIL SEWER MAIN EXTENSION
- BY OTHERS

NOTE: SERENITY TRAIL, RESERVOIR RD. AND HILLVIEW
SLODS OR HAVE PUBLIC ROW. OTHERS ARE PRIVATE
SLODS OR HAVE PUBLIC ROW. EASEMENTS, SEWER
EASEMENTS WOULD BE REQUIRED.

CITY OF CHINO SERENITY TRAIL SEWER MAIN SERENITY TRAIL	HAH-ZOLARS, INC. 1000 GARDEN, SUITE 200 • GARDEN, CALIFORNIA 91731 • (951) 941-7796 ONLINE
SHEET 1 OF 1	NO. 1

Posted On: 07-29-2020Removed On: 09-09-2020Receipt No: 3607292020**Notice of Determination****To:**☒ Office of Planning and Research

U.S. Mail:

Street Address:

P.O. Box 3044

1400 Tenth St., Rm 113

Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ Clerk of the BoardCounty of: San BernardinoAddress: 385 North Arrowhead Avenue, Second Floor
San Bernardino, CA 92415-0130**From:**Public Agency: San Bernardino County, LUSDAddress: 385 North Arrowhead Ave, First Floor San
Bernardino, CA 92415-0187Contact: Steven ValdezPhone: 909-387-4421

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): 2020050056Project Title: Summerland Senior Care FacilityProject Applicant: RDS Partners, Inc.Project Location (include county): 13225 Serenity Trail, Chino, San Bernardino County

Project Description: General Plan Amendment to change the Land Use Zoning designation from Single Residential, one-acre minimum (RS-1) to General Commercial (CG) and a Conditional Use Permit for a 3-story residential care facility consisting of 109 units on 3.16 acres.

This is to advise that the San Bernardino County Board of Supervisors has approved the
(☒ Lead Agency or ☐ Responsible Agency)above described project on July 28, 2020 and has made the following determinations regarding the
above (date)

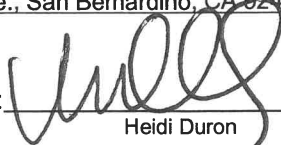
above described project.

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

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

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

Signature (Public Agency):



Heidi Duron

Title: Planning DirectorDate: July 28, 2020

Date Received for filing at OPR: _____

CLERK OF THE
BOARD OF SUPERVISORS
2020 JUL 29 AM 10:22
COUNTY OF SAN BERNARDINO
CALIFORNIA

SAN BERNARDINO COUNTY

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

ENVIRONMENTAL CHECKLIST FORM

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

PROJECT LABEL:

APNs:	1023-011-51	USGS Quad:	Ontario
Applicant:	Summerland Chino, LLC 1101 Dove Street, Suite 240 Newport Beach, CA 92660	T, R, Section:	T: 5N R: 5W Sec: 17
Location	13225 Serenity Trail in the County of San Bernardino. (East side of Serenity Trail between Hillview Drive South and Chino Avenue).	Thomas Bros	Page 681, Grid: B-1
Project No:	PROG-2019-2004	Community Plan:	None
Rep	Summerland Chino Mgr. LLC Ed Horowitz, Manager 1101 Dove Street, Suite 240 Newport Beach, CA 92660	LUZD:	RS-1 (Single Residential, 1-Acre Minimum)
Proposal:	A Conditional Use Permit for a 3-story, 45 foot high facility with sub-terranean parking, consisting of 79 assisted living units, and 30 memory care units on 5.0 gross acres and a General Plan/ Land Use/Zoning Map Amendment from Single Residential (RS-1, 1 acre minimum) to General Commercial (CG)	Overlays:	None

PROJECT CONTACT INFORMATION:

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

Contact person: Steven Valdez, Senior Planner
Phone No: (909) 387-4421 **Fax No:** (909) 387-3223
E-mail: steven.valdez@lus.sbcounty.gov

Project Sponsor Summerland Chino Mgr. LLC
Ed Horowitz, Manager
1101 Dove Street, Suite 240
Newport Beach, CA 92660

PROJECT DESCRIPTION:

Summary

The project is proposing to construct a new three-story, 45-foot high, senior living facility with 109 units (79 assisted living units and 30 memory care units) on 5.0 gross acres. Parking will be provided via surface parking stalls and within a subterranean parking structure. A private roadway will provide access throughout the project site with a drop-off area on the west end of the project, adjacent to the parking structure entrance.

Conditional Use Permit

The Project proposes the following improvements:

Improvements Adjacent to Serenity Trail

- Construct two (2) drive approaches and install landscaping/fences/walls along Serenity Trail.
- Construct a sidewalk along the entire frontage to the south and then to connect to Chino Avenue.

Drainage Improvements

The existing drainage patterns will be preserved in the proposed condition. Under the proposed condition, the site runoff will be directed to an on-site detention basin which is located in the southeast corner of the site. Runoff from the north and east driveways, roofs, and the center court yard will be collected by catch basins #1 (CB#1) and directed to the proposed on-site detention basin through storm drain Line A. Runoff from the south side planter areas and building roofs will be collected by CB#2, #3, and #4 and drain to the proposed on-site detention basin through storm drain Line B. The overflow after detention in the basin will be discharged to a proposed 24" storm drain Line D and conveyed to an existing 36" storm drain in the Chino Avenue. The offsite run-on from the development to the north of the project site will enter the proposed concrete v-ditch along the north and east property line and conveyed to storm drain Line D.

Water and Wastewater Improvements

Water: The Inland Empire Utilities Agency currently provides water service to the project site through the Monte Vista Water District. The project will construct an 8-inch water line that will connect to an existing water line located at the intersection of Serenity Drive and Hillview Drive south and to an existing water line located on Serenity Trail to the east of the project site.

Wastewater: An on-site septic system is proposed to provide wastewater treatment.

Construction Duration

Project construction is anticipated to occur over an approximately 1-year period.

Operational Characteristics

The project is a senior living facility with 109 units (79 assisted living units and 30 memory care units). Typical operations include resident activity, employees and visitors traveling to and from the site, and maintenance activities.

General Plan/Zoning Map Amendment

The project is proposing to amend the General Plan/ Land Use/Zoning Map from RS-1 (Single Residential, 1 acre minimum) to CG (General Commercial).

Surrounding Land Uses and Setting

Existing Land Use and Land Use Zoning Districts		
Location	Existing Land Use	Land Use Zoning District
Project Site	Vacant	RS-1 (Single Residential, 1 acre minimum)
North	Single-family residential development	RS-1 (Single Residential, 1 acre minimum)
South	Serenity Trail followed by vacant land with Chino Avenue further to the south	RS-1 (Single Residential, 1 acre minimum)
East	Single-family residential development	RS-1 (Single Residential, 1 acre minimum)
West	Serenity Trail followed by SR-71 further to the west	City of Chino Hills

Project Site Location, Existing Site Land Uses and Conditions

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced..." (CEQA Guidelines §15125[a]). The Project does not require the preparation of an Environmental Impact Report and a Notice of Preparation is not required. Thus, the environmental setting for the Project is the approximate date that the project's Initial Study Checklist commenced in August 2019. The project site is an unimproved essentially triangular shaped approximately 5.0 gross acre (3.16-acres) parcel of land located adjacent to Serenity Trail, which is a paved two-lane roadway with curb and gutter, in the Chino area of unincorporated San Bernardino County. Topographic relief across the subject site ranges from a high of approximately 740 feet above mean sea level (amsl) near the northerly property boundary to a low of approximately 700 amsl near the southerly property boundary, resulting in a vertical relief of approximately 40 feet to the south across the subject site. The project site is covered with a light to moderate growth of natural grasses and weeds.

ADDITIONAL APPROVAL REQUIRED BY OTHER PUBLIC AGENCIES

Federal: None.

State of California: Santa Ana Regional Water Quality Control Board (NPDES Permit and OWTS)

County of San Bernardino: Land Use Services Department-Building and Safety, and Public Works.

Regional: None.

Local: None

Site Photographs



Looking Southeast



Looking East



Looking Northeast



Looking East

Figure 1 Project Vicinity Map



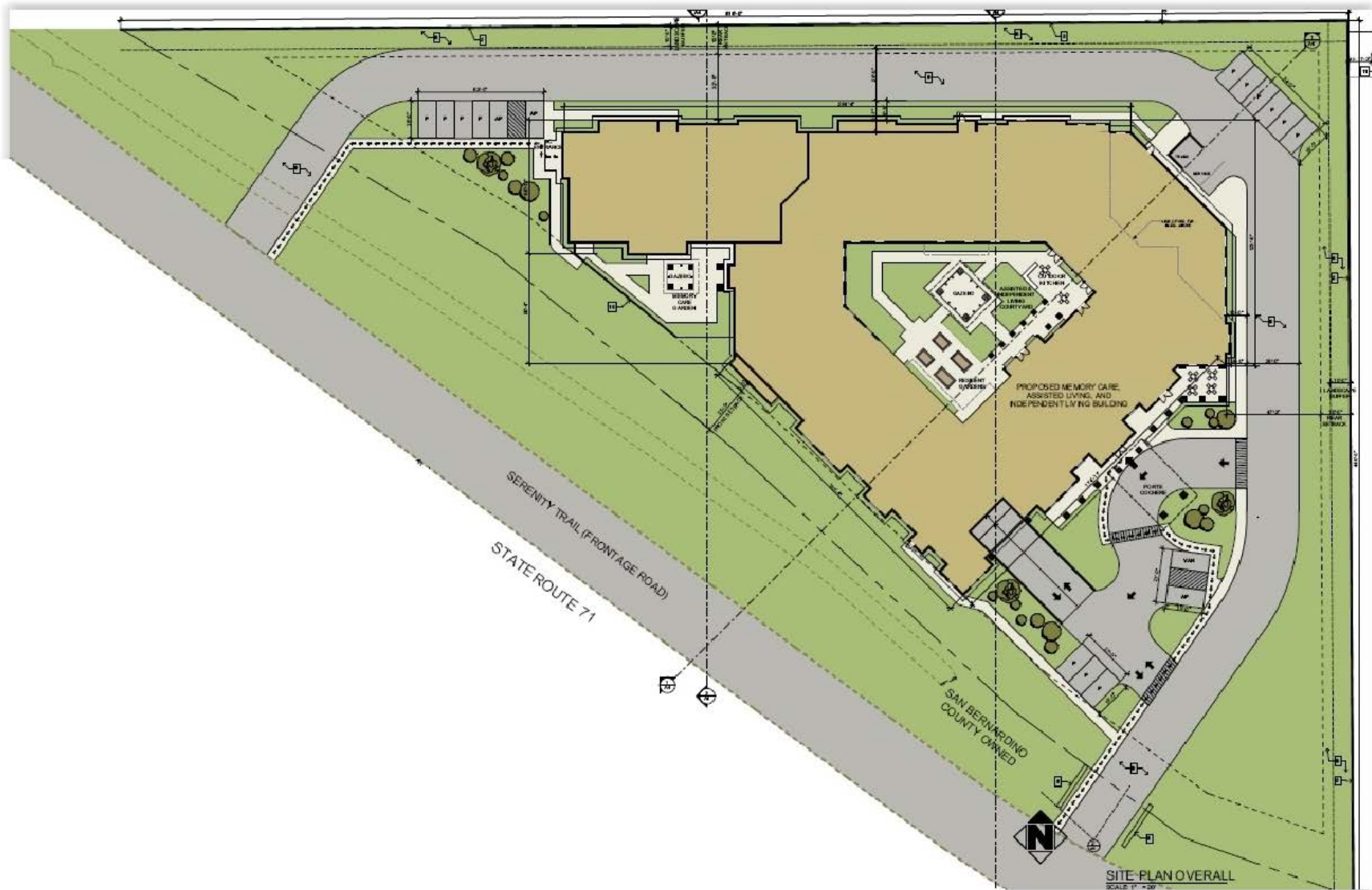


Figure 1 Site Plan

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.?

Tribal Consultation has occurred with the Gabrieleño Band of Mission Indians-Kizh Nation. Recommended mitigation measures were provided by the Gabrieleño Tribe and incorporated into this document as both mitigation measures and conditions of approval.

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

EVALUATION FORMAT

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

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

1. **No Impact:** No impacts are identified or anticipated and no mitigation measures are required.
2. **Less than Significant Impact:** No significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. **Less than Significant Impact with Mitigation Incorporated:** Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List of mitigation measures)

4. **Potentially Significant Impact:** Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (List of the impacts requiring analysis within the EIR).

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

☐	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.
☒	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.
☐	The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	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.
☐	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: (Steven Valdez , Senior Planner)

Signature: (David Prusch , Supervising Planner)

Date

Date

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
I. AESTHETICS – Except as provided in Public Resources Code Section 21099, would the project:					
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b)	Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
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?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare, which will adversely affect day or nighttime views in the area?	☐	☐	☒	☐

SUBSTANTIATION: (Check ☐ if project is located within the view-shed of any Scenic Route listed in the General Plan):
San Bernardino General Plan, 2007; Submitted Project Materials.

a) **Will the project have a substantial adverse effect on a scenic vista?**

County of San Bernardino General Plan Open Space Element Policy OS 5.1 states that a feature or vista can be considered scenic if it:

- Provides a vista of undisturbed natural areas;
- Includes a unique or unusual feature that comprises an important or dominant portion of the viewshed; or,
- Offers a distant vista that provides relief from less attractive views of nearby features such as views of mountain backdrops from urban areas).

The nearest feature that meets the criteria of a scenic vista pursuant to County of San Bernardino General Plan Open Space Element Policy OS 5.1 are the San Gabriel Mountains located approximately 9 miles north of the project site. The public views of

the San Gabriel Mountains are from Serenity Trail adjacent to the eastern and southern boundaries of the project site. Because of the distance and the intervening development between the project site and the San Gabriel Mountains, the project would have no impact on views of the San Gabriel Mountains. .

No Impact.

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

California's Scenic Highway Program was created by the Legislature in 1963. Its purpose is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263.

According to the California Department of Transportation, the project site is not located within a State Scenic Highway. In addition, according to the County of San Bernardino General Plan the Project site is not within a scenic route (Ref. General Plan Pg. IV-16).

No Impact.

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

According to the Census 2000 Urbanized Area Outline Maps, the project site is located in the Riverside-San Bernardino Urbanized Area. The project is subject to mandatory Development Code requirements governing scenic quality that stipulate that new land uses and structures shall be designed, constructed, and established in compliance with the requirements in the Development Code, including but not limited to, Chapter 82.05 (Commercial Land Use Zoning Districts), Chapter 83.02 (General Development and Use Standards) Chapter 83.06 Fences, Hedgers, and Walls), Chapter 83.10 (Landscape Standards), and Chapter 83.13 (Signs). Compliance with these mandatory Development Code requirements will ensure that the project will not conflict with applicable zoning and other regulations governing scenic quality.

Less Than Significant Impact.

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

The project will increase the amount of light in the area above what is being generated by the vacant site by directly adding new sources of illumination including parking lot lighting, security lighting, and decorative lighting. The California Green Building Code requires that all outdoor lighting be designed and installed to comply with California

Green Building Standard Code or with a local ordinance lawfully enacted pursuant to California Green Building Standard Code Section 101.7, whichever is more stringent.

County lighting standards require that lighting fixtures shall be fully shielded to preclude light pollution or light trespass on an abutting residential land use zoning district; a residential parcel; or public right-of-way.

The exterior building surfaces primarily consist of non-glare materials such as stucco, shingle siding, and stone veneer so the building will not produce glare..

Less Than Significant Impact

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
II.	AGRICULTURE AND FORESTRY RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d)	Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒
SUBSTANTIATION: (Check ☐ if project is located in the Important Farmlands Overlay): San Bernardino County General Plan, 2007; California Department of Conservation Farmland Mapping and Monitoring Program; Submitted Project Materials.					

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

The project site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program. The project site is within an area mapped as “urban and built-up land.” As such, the project has no potential to convert such lands to a non-agricultural use.

No Impact.

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

Agricultural Zoning

Generally, a conflict with existing zoning for agriculture use would occur if a project would intrude into agricultural areas and create conflicts between agriculture uses and non-agriculture uses. The project site is currently zoned RS-1 (Single Residential, 1 acre minimum). The zoning on the adjacent properties is also RS-1. The RS-1 zone allows incidental agricultural use but is not considered an agricultural zone. The project is proposing a General Plan Land Use/Zoning Map amendment from Single Residential, One-Acre Minimum (RS-1) to General Commercial (CG). The CG zone does not permit agricultural as a primary use and is also not considered an agricultural zone. In addition, there are no primary agricultural uses on the project site or in the immediate vicinity. As such, the project will not create a conflict with agricultural zoning.

Williamson Act

Pursuant to the California Land Conservation Act of 1965, a Williamson Act Contract enables private landowners to voluntarily enter into contracts with local governments for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, landowners receive lower property tax assessments based upon farming and open space uses as opposed to full market value. The project site is not under a Williamson Act Contract. As such, there is no impact with respect to a Williamson Act Contract.

No Impact.

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

The project site is zoned RS-1 (Single Residential, 1 acre minimum) and proposes a General Plan Land Use/Zoning Map amendment to CG (General Commercial). The project site does not contain any forest lands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the project site. Because no lands on the project site are zoned for forestland or timberland, the project has no potential to impact such zoning.

No Impact

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

The project site and surrounding properties do not contain forest lands and are not zoned for forest lands. Because forest land is not present on the project site or in the immediate vicinity of the project site, the proposed project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use.

No Impact.

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

The project site is located in an area largely characterized by residential development and vacant land. The project site is bounded by existing residential uses to the north and east, and Serenity Trail borders the project site to the south. State Route 71 is located approximately 250 feet west of the project site (centerline to property line). The project site is covered with a light to moderate growth of natural grasses and weeds. There is no primary agricultural use occurring on the project site or in the immediate vicinity of the project site. Therefore, the project would not result in conversion of Farmland to non-agricultural use or forest land to non-forest use.

No Impact.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
III. AIR QUALITY - Where available, the significance criteria established by the applicable air quality management district or air pollution control district might be relied upon to make the following determinations. Would the project:					
a)	Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
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?	☐	☒	☐	☐
c)	Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
d)	Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	☐	☐	☐	☒

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

Air Quality and Greenhouse Gas Analysis (Appendix A).

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

The South Coast Air Quality Management District ("District") is required to produce air quality management plans directing how the South Coast Air Basin's air quality will be brought into attainment with the national and state ambient air quality standards. The most recent air quality management plan is the *2016 Air Quality Management Plan* (AQMP) and it is applicable to the project site.

Per the SCAQMD *California Environmental Quality Act (CEQA) Air Quality Handbook* (April 1993), there are two main indicators of a project's consistency with the applicable AQMP: (1) whether the project would increase the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the 2016 AQMP; and (2) whether the project would exceed the 2016 AQMP's assumptions for the final year for the AQMP. These criteria are discussed below.

Consistency Criterion No. 1: The proposed project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new

violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the 2016 Air Quality Management Plan.

Consistency Criterion No. 1 refers to violations of the California Ambient Air Quality Standards and National Ambient Air Quality Standards. As evaluated under Issue III (b) and (c) below, the air emission from construction and operation of the project will not exceed regional or localized significance thresholds for any criteria pollutant during construction or during long-term operation with implementation of Mitigation Measure AR-1. Accordingly, the project's regional and localized emissions would not contribute substantially to an existing or potential future air quality violation or delay the attainment of air quality standards.

Consistency Criterion No. 2: The proposed project will not exceed the assumptions in the 2016 Air Quality Management Plan.

Consistency Criterion No. 2 refers to the proposed project's potential to exceed the assumptions in the AQMP is primarily assessed by determining consistency between the proposed project's land use designations and potential to generate population growth. In general, projects are considered consistent with, and would not conflict with or obstruct implementation of, the AQMP if the growth in socioeconomic factors is consistent with the underlying regional plans used to develop the AQMP. The CEQA *Air Quality Handbook* states that, "New or amended General Plan Elements (including and use zoning and density amendments), Specific Plans, and significant projects must be analyzed for consistency with the AQMP" (SCAQMD 1993). However, strict consistency with all aspects of the plan is usually not required. A proposed project should be considered to be consistent with the AQMP if it furthers one or more policies and does not obstruct other policies.

The AQMP considers regional population forecasts developed by the Southern California Association of Governments (SCAG). SCAG's most recent population forecast was adopted in April 2016 as part of the 2016-2040 *Regional Transportation Plan/Sustainable Communities Strategy* (RTP/SCS). Table 11, *Jurisdictional Forecast 2040*, of the RTP/SCS shows a population for unincorporated San Bernardino County of 295,600 in 2012 and 344,100 in 2040.

Based on data from the U.S. Census Bureau (US Census 2019), under the current land use designation of RS-1, the project site would yield a population of 10 persons (3 dwelling units x 3.31 persons per household = 9.93 persons). If the request to amend the General Plan/ Land Use/Zoning Map from Single Residential (RS-1, 1 acre minimum) to CG (General Commercial) is approved, the project would provide 109 units (79 assisted living units and 30 memory care units). The project would generate approximately 156 residences (assuming 65% of the assisted living units are occupied by 2 persons), representing an approximately 0.03% increase in the estimated population used in the 2016 RTP/SCS.

Based on the above analysis, the minimal population increase (coupled with the fact that residents of assisted living facilities generate less traffic than the general population) the project will not exceed the regional significance thresholds established by the SCAQMD

or obstruct implementation of the applicable air quality plan and is therefore consistent with the 2016 AQMP.

Less Than Significant Impact With Mitigation Incorporated.

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

Federal Air Quality Standards

Under the Federal Clean Air Act, the Federal Environmental Protection Agency establishes health-based air quality standards that California must achieve. These are called “national (or federal) ambient air quality standards” and they apply to what are called “criteria pollutants.” Ambient (i.e. surrounding) air quality standard establish a concentration above which a criteria pollutant is known to cause adverse health effects to people. The national ambient air quality standards apply to the following criteria pollutants:

- Ozone (8-hour standard)
- Respirable Particulate Matter (PM10)
- Fine Particulate Matter (PM2.5)
- Carbon Monoxide (CO)
- Nitrogen Dioxide (NOx)
- Sulphur Dioxide (SO2), and
- Lead.

State Air Quality Standards

Under the California Clean Air Act, the California Air Resources Board also establishes health-based air quality standards that cities and counties must meet. These are called “state ambient air quality standards” and they apply to the following criteria pollutants:

- Ozone (1-hour standard)
- Ozone (8-hour standard)
- Respirable Particulate Matter (PM10)
- Fine Particulate Matter (PM2.5)
- Carbon Monoxide (CO)
- Nitrogen Dioxide (NOx)
- Sulphur Dioxide (SO2), and
- Lead

Regional Air Quality Standards

The Chino area of unincorporated San Bernardino County is located within the South Coast Air Basin which is under the jurisdiction of the South Coast Air Quality Management District

("District"). The District develops plans and regulations designed to achieve these both the national and state ambient air quality standards described above.

Attainment Designation

An "attainment" designation for an area signifies that criteria pollutant concentrations did not exceed the established standard. In contrast to attainment, a "nonattainment" designation indicates that a criteria pollutant concentration has exceeded the established standard.

Table 3 shows the attainment status of criteria pollutants in the South Coast Air Basin.

Table 3. Attainment Status of Criteria Pollutants in the South Coast Air Basin.

Criteria Pollutant	State Designation	Federal Designation
Ozone – 1 hour standard	Nonattainment	No Standard
Ozone – 8 hour standard	Nonattainment	Nonattainment
Respirable Particulate Matter (PM10)	Nonattainment	Nonattainment
Fine Particulate Matter (PM2.5)	Nonattainment	Nonattainment
Carbon Monoxide (CO)	Attainment	Attainment
Nitrogen Dioxide (NO _x)	Attainment	Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment
Lead	Attainment	Attainment
<i>Source: California Air Resources Board, 2015</i>		

Both construction and operational emissions for the project were estimated by using the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can be used for a variety of situations where an air quality analysis is necessary or desirable such as California Environmental Quality Act (CEQA) documents and is authorized for use by the South Coast Air Quality Management District ("District").

Construction Emissions

Construction activities associated with the project will result in emissions of CO, VOCs, NO_x, SO₂, PM₁₀, and PM_{2.5}. Construction related emissions are expected from the following construction activities:

- Site Preparation;
- Grading;
- Building Construction;
- Paving; and
- Architectural Coating.

Project construction is anticipated to occur over an approximately 1-year period. The estimated maximum daily construction emissions without mitigation are summarized on Tables 4 and 5 below.

Table 4. Construction Emissions (Pounds per Day) Unmitigated

Summer						
Activity	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Site Preparation	8.37	174.44	42.40	0.36	29.21	15.20
Grading	3.18	33.96	18.07	0.03	8.50	5.05
Building Construction	3.93	29.55	25.11	0.04	3.04	2.03
Paving	1.66	14.61	13.56	0.02	1.06	0.83
Architectural Coating	21.09	2.10	2.98	0.01	0.38	0.21
Maximum Emissions	21.09	174.44	42.40	0.36	29.21	15.20
SCAQMD Threshold	75	100	550	150	150	55
Exceeds Threshold?	No	Yes	No	No	No	No

Source: Air Quality and Greenhouse Gas Analysis, Appendix A.

Table 5. Construction Emissions (Pounds per Day) Unmitigated

Winter						
Activity	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Site Preparation	8.50	175.58	44.63	0.00	29.22	15.21
Grading	3.18	33.97	17.90	0.36	8.50	5.05
Building Construction	3.93	29.57	24.09	0.03	3.05	2.03
Paving	1.66	14.61	13.36	0.04	1.06	0.83
Architectural Coating	21.09	2.10	2.78	0.02	0.38	0.21
Maximum Emissions	21.09	175.58	44.63	0.36	29.22	15.21
SCAQMD Threshold	75	100	550	150	150	55
Exceeds Threshold?	No	Yes	No	No	No	No

Source: Air Quality and Greenhouse Gas Analysis, Appendix A.

As shown in Tables 4 and 5 above, emissions resulting from the project construction would exceed thresholds established for NO_x and mitigation is required.

Mitigation Measure AIR-1: Limit Amount of Soil Import and Export. Prior to the issuance of a grading permit, the following note shall be included on the grading plan:

“Limit the amount of material imported or exported to the site to forty (40) truckloads per day or less during the site preparation and grading phase of construction.”

With implementation of Mitigation Measure AIR-1, NO_x emissions are reduced to 82.89 pounds per day which is below the SCAQMD threshold of 100 pounds per day. Impacts are less than significant.

Operational Emissions

Operational activities associated with the project will result in emissions of VOC, NO_x, CO, SO₂, PM₁₀, and PM_{2.5}. Operational emissions would be expected from the following primary sources:

- Area Source Emissions (architectural coatings, consumer products, landscape maintenance equipment);
- Energy Source Emissions (combustion emissions associated with natural gas and electricity);and
- Mobile Source Emissions (vehicles, fugitive dust related to vehicular travel).

The estimated maximum daily operational emissions without mitigation are summarized on Tables 6 and 7 below.

Table 6. Operational Emissions (Pounds per Day) Unmitigated

Summer						
Activity	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Mobile Sources	1.02	6.25	12.31	0.04	2.80	0.77
Energy Sources	0.06	0.52	0.22	0.00	0.04	0.04
Area Sources	1.55	0.21	9.17	0.00	0.06	0.06
Total	2.63	6.97	21.70	0.04	2.90	0.87
SCAQMD Threshold	55	55	550	150	150	55
Exceeds Threshold?	No	No	No	No	No	No
<i>Source: Air Quality Impact Analysis, Appendix A.</i>						

Table 7. Operational Emissions (Pounds per Day) Unmitigated

Winter						
Activity	VOC	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Mobile Sources	0.89	6.30	10.80	0.04	2.80	0.78
Energy Sources	0.06	0.52	0.22	0.00	0.04	0.04
Area Sources	1.55	0.21	9.17	0.00	0.06	0.06
Total	2.50	7.02	20.19	0.04	2.90	0.88
SCAQMD Threshold	55	55	550	150	150	55

Exceeds Threshold?	No	No	No	No	No	No
<i>Source: Air Quality and Greenhouse Gas Analysis, Appendix A.</i>						

As shown in Tables 6 and 7 above, emissions resulting from the project operation would not exceed thresholds established by the District for emissions of any criteria pollutant. As such, the project will have a less than significant impact during on-going operational activity and no mitigation is required.

Less Than Significant Impact With Mitigation Incorporated.

c) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

Sensitive Receptors

Sensitive receptors (i.e., children, senior citizens, and acutely or chronically ill people) are more susceptible to the effects of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes. The closest sensitive receptors would be the residential homes to the north and east of the project site.

Localized Impacts

As part of the South Coast Air Quality Management District's environmental justice program, attention has been focusing more on the localized effects of air quality. Although the region may be in attainment for a particular criteria pollutant, localized emissions from construction and operational activities coupled with ambient pollutant levels can cause localized increases in criteria pollutant that exceed national and/or State air quality standards. The South Coast Air Quality Management District has established Localized Significance Thresholds (LST) which were developed in response to environmental justice and health concerns raised by the public regarding exposure of individuals to criteria pollutants in local communities.

Localized Significance Thresholds are only applicable to the following criteria pollutants: oxides of nitrogen (NOX), carbon monoxide (CO), particulate matter less than 10 microns in aerodynamic diameter (PM₁₀) and particulate matter less than 2.5 microns in aerodynamic diameter (PM_{2.5}). Localized Significance Threshold's represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable national or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor.

Construction-Related Localized Emissions

Construction localized impacts were evaluated pursuant to the South Coast Air Quality Management District's *Final Localized Significance Thresholds Methodology*. This methodology provides screening tables for one through five-acre project construction scenarios, depending on the amount of site disturbance during a day. Maximum daily

oxides of nitrogen (NO_x), carbon monoxide (CO), and particulate matter (PM₁₀ and PM_{2.5}) emissions will occur during construction of the project, grading of the project site, and paving of streets and driveways. Table 8 below summarize on-site emissions as compared to the local screening thresholds established for Source Receptor Area (SRA) 53 (Chino).

Table 8. Construction Localized Emissions (lbs/day)

LST Pollutants	CO	NO_x	PM₁₀	PM_{2.5}
On-Site Emissions	44.63	175.58	11.01	6.63
SCAQMD Threshold	2,193	270	16	9
Exceeds Threshold?	No	No	No	No

Source: Air Quality and Greenhouse Gas Analysis, Appendix A.

As shown in Table 8, emissions resulting from the project construction would not exceed LST numerical thresholds established by the SCAQMD and no mitigation is required.

Operational-Related Localized Emissions

On-site operational activities can result in localized increases in criteria pollutant levels that can cause air quality standards to be exceeded even if standards are not exceeded on a regional level. On-site area and energy sources were evaluated. As shown in Table 10, emissions resulting from the Project operations would not exceed LST numerical thresholds established by the South Coast Air Quality Management District and no mitigation is required.

Table 9. Operational Localized Emissions (lbs/day)

LST Pollutants	NO_x	CO	PM₁₀	PM_{2.5}
On-Site Emissions	1.04	10.01	0.2	0.14
SCAQMD Threshold	270	2,193	4	2
	No	No	No	No

Source: Air Quality and Greenhouse Gas Analysis, Appendix A.

As shown in Table 9, emissions resulting from the project operations would not exceed LST numerical thresholds established by the SCAQMD and no mitigation is required.

CO Hot Spots

CO Hot Spots are typically associated with idling vehicles at extremely busy intersections (i.e., intersections with an excess of 100,000 vehicle trips per day). There are no intersections in the vicinity of the project site which exceed the 100,000 vehicle per day threshold typically associated with CO Hot Spots. In addition, the South Coast Air Basin has been designated as an attainment area for CO since 2007. Therefore, project-related vehicular emissions would not create a CO Hot Spot and would not substantially contribute to an existing or projected CO Hot Spot.

Toxic Air Contaminants (TAC)

The greatest potential for toxic air contaminant emissions would be related to diesel particulate emissions associated with heavy equipment operations during construction of the proposed project. The Office of Environmental Health Hazard Assessment (OEHHHA)

has issued the Air Toxic Hot Spots Program Risk Assessment Guidelines and Guidance Manual for the Preparation of Health Risk Assessments, February 2015, to provide a description of the algorithms, recommended exposure variates, cancer and non-cancer health values, and the air modeling protocols needed to perform a health risk assessment (HRA) under the Air Toxics Hot Spots Information and Assessment Act of 1987. All substances that are evaluated for cancer risk and/or non-cancer acute, 8-hour, and chronic health impacts. In addition, identify any multi-pathway substances that present a cancer risk or chronic non-cancer hazard via non-inhalation routes of exposure. Given the relatively limited number of heavy-duty construction equipment and the short-term construction schedule, the proposed project would not result in a long-term substantial source of toxic air contaminant emissions and corresponding individual cancer risk. Therefore, no significant short-term toxic air contaminant impacts would occur during construction of the project. In addition, the project is an assisted living facility which is a type of use that does not generate the type of vehicle traffic (i.e. diesel trucks) that would expose people to TAC's.

Less Than Significant Impact

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

According to the South Coast Air Quality Management District *CEQA Air Quality Handbook*, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The project proposes an assisted living facility which is a land use typically not associated with emitting objectionable odors.

Potential odor sources associated with the proposed project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. It is expected that project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the County's solid waste regulations. The proposed project would also be required to comply with South Coast Air Quality Management District Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed project construction and operations would be less than significant and no mitigation is required.

Less Than Significant Impact.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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

San Bernardino County General Plan, 2007; Submitted Project Materials; General Biological Resources Assessment (Appendix B)

- a) ***Would the project 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?***

The site supports a ruderal plant community due to past human disturbances. The dominant plants included erodium (*Erodium texanum*), schismus (*Shismus barbatus*), brome grasses (*Bromus* sp.), Russian thistle (*Salsola tragus*), and buckwheat (*Eriogonum* sp.). A few ornamental shrubs and trees also occur along portions of the northern property line. Vegetation in the areas adjacent to the site also consisted of mesquite trees (*Prosopis* sp.), erodium, schismus, and brome grass (*Brome* sp.)

The site does not support any native plant communities due to past human activities on the property. The site is surrounded by existing single-family dwellings to the north and east with Serenity Trail to the southwest. The site also shows signs of past ground clearing activities which has resulted in ruderal vegetation throughout the site. There are also signs that the property may have been used for hay production. No sensitive habitats or wildlife corridors exist on the site. Based on the findings of the August 2019 surveys the proposed project and its associated cumulative impacts to the general biological resources are not expected to be significant. Development of the site will result in removal of 3.16-acres of ruderal vegetation which will have a minimal impact on wildlife which currently utilize the site. The wildlife species which inhabit the site are limited in number and the mobile species will disperse through the area.

No special status species were observed during the general biological surveys conducted on August 28, 2019, nor is the site expected to support any listed or other special status species now or in the future. As noted above, the site has been significantly disturbed by past human activities and does not support any habitats which are associated with any sensitive species. However, one species (i.e., burrowing owl) sometimes inhabits disturbed areas if suitable burrows are present. No owls, owl sign (castings, whitewash, etc.) or suitable burrows were observed during the field investigations.

No Impact.

- 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?***

No sensitive species or sensitive habitats (e.g., wetlands, riparian areas, etc.) were observed during the biological surveys conducted on August 28, 2019.

No Impact.

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

The USGS Ontario, CA Quadrangle does not show any blue line channels on the site, and no streams, desert washes or other water features were observed during the August 28, 2019 field investigations.

No Impact.

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

No wildlife corridors bisect the property and no sensitive wildlife species were observed during the biological surveys.

No Impact.

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

Section 88.01.070 of the Development Code requires a Tree & Plant Removal Permit for the removal of any Native tree with a six inch or greater stem diameter or 19 inches in circumference measured 4.5 feet above natural grade level or a three or more palm trees in linear plantings, which are 50 feet or greater in length. A few ornamental shrubs and trees also occur along portions of the northern property line, however, none of the trees are covered by a tree protection ordinance.

No Impact.

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

The project site is not located within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

No Impact.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
V. CULTURAL RESOURCES - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	
c) Disturb any human remains, including those outside of formal cemeteries?	☐	☐	☒	☐
SUBSTANTIATION: (Check if the project is located in the Cultural ☐ or Paleontologic ☐ Resources overlays or cite results of cultural resource review):				
Bernardino County General Plan, 2007; Submitted Project Materials; Cultural Resources Assessment Appendix C)				

a) **Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?**

Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style, design, or achievement. Damaging or demolition of historic resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.
2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

On February 11, 2016, the South Central Coastal Information Center (SCCIC) at California State University, Fullerton conducted a record search of previously documented cultural resources and cultural resource surveys and studies conducted on the property and within half mile radius of the subject property. No historical resources pursuant to §15064.5 have been previously recorded within the project site. The project site was also examined for the presence of any cultural resources, including prehistoric or historic archaeological sites or historic buildings. No historical resources pursuant to §15064.5 were discovered.

As such, there will be no impact with respect to surface historical resources as a result of the project and no mitigation measures are required.

No Impact

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

Archaeological sites are locations that contain resources associated with former human activities, and may contain such resources as human skeletal remains, waste from tool manufacture, tool concentrations, and/or discoloration or accumulation of soil or food remains.

As noted under Issue Va) above, a record search and field survey were conducted for the project site and no archaeological resources pursuant to §15064.5 were discovered. However, the Cultural Resources Assessment prepared for the project (Appendix C) states that if previously undocumented cultural resources are identified during earthmoving activities, a qualified archaeologist should be contacted to assess the nature and significance of the find, diverting construction excavation if necessary.

The following mitigation measure is required to implement the above described requirement and in order to minimize impacts to the maximum extent feasible:

Mitigation Measure CR-1: Inadvertent Discoveries. Prior to the issuance of a grading permit, the following note shall be included on the grading plan:

“1. In the event that pre-contact 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 the Secretary of the 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 the assessment period.

2. If significant pre-contact resources, as defined by CEQA (as amended 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

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) 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's grading activities."

With implementation of Mitigation Measure CR-1, impacts are less than significant.

Less Than Significant Impact With Mitigation Incorporated:

- c) ***Would the project disturb any human remains, including those outside of formal cemeteries?***

The project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. In the event that human remains are discovered during project grading or other ground disturbing activities, the project would be required to comply with the applicable mandatory provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq. California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner.

If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

With mandatory compliance with California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq., impacts are less than significant.

Less Than Significant Impact

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

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

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

Implementation of the project would result in increases in demand for electricity and natural gas as compared to the currently undeveloped project site, which does not have any energy consuming uses. Construction of the project would create temporary increased demands for electricity and vehicle fuels compared to existing conditions. Operational use of energy includes the heating, cooling, and lighting of buildings; water heating; operation of electrical systems and plug-in appliances within buildings; parking lot and outdoor lighting; and the transport of electricity, natural gas, and water to the areas where the resource would be consumed. Southern California Edison (SCE) provides electrical power and Southern California Gas Company (SoCalGas) provides natural gas service to the project area.

Short-Term Construction Impacts

Construction of the project would require electricity use to power some of the construction-related equipment. The electricity use during construction would vary during different phases of construction, where the majority of construction equipment during grading would be gas-powered or diesel-powered, and the later construction phases would require electricity-powered, such as interior construction and architectural coatings.

Table 10 below shows the estimated energy consumption for project construction.

Table 10. Energy Consumption Estimate for Project Construction.

Construction Phase	Number of Construction Days	Average Worker and Vendor Trips Per Day	Horse Power Hours per Construction Phase	Construction Equipment		Worker and Vendor
				Energy Use (1)	Gas & Fuel Use (2)	Gas & Fuel Use (3)
Site Preparation	5	18	9,032		488.22	49.42
Grading	8	15	7,064		219.68	65.89
Building Const., Paving, Architectural Coating.	230	158	11,754		635.35	19,955
			TOTALS	83.69 kWh	1,334.25 Gal.	20,070.31 Gal.

1: Calculation is based on an average construction energy cost of \$2.28 per month of energy use per 1,000 square feet of building space (57,356 s.f.) over the total duration of construction (8 months), at the rate of 8 cents per kilowatt hour (kWh).

2: Calculation is based on expected horsepower (HP) hours and an average factor of 1 gallon of fuel per 18.5 horsepower-hour.

3: Calculation is based on number of expected worker and vendor trips per day, multiplied by an average trip length of 14.7 miles for workers and 6.9 miles for vendors based on the average fuel economy of a light duty automobile of 26.77 miles per gallon.

4: This calculation overstates the HP hours per construction phase because it does not apply a load factor.

Since the project area is already served by onsite electrical infrastructure, adequate electrical infrastructure capacity is available to accommodate the electricity demand during construction would not require additional or expanded electrical infrastructure.

The amount of energy and fuel use anticipated by the project's construction are typical for the type of construction proposed because there are no aspects of the project's proposed construction process that are unusual or energy-intensive. Project construction equipment would conform to the applicable ARB emissions standards, acting to promote equipment fuel efficiencies. In addition, demand for construction-related electricity and fuels would be spread out over the life of the construction phases of the project but would not require a permanent commitment of energy or diesel fuel resources for this purpose. Therefore, impacts from energy use during short-term construction activities would be less than significant.

Long-Term Operational Impacts

Operation of the project would create additional demands for electricity as compared to existing conditions, and would result in increased transportation energy use. Operational use of energy would include heating, cooling, and ventilation of buildings; operation of electrical systems, security functions, use of on-site equipment and appliances; and indoor, outdoor, perimeter, and parking lot lighting.

Based on Air Quality & Greenhouse Gas Analysis (Appendix A), the project would create a net increase in electricity demand of approximately 132,755 kWh per year. This net increase is well within SCE's systemwide net increase in electricity supplies of

approximately 15,273 GWh annually over the 2012-2024 period (CEC, Electricity Consumption by County, 2017). Therefore, there are sufficient planned electricity supplies in the region for the estimated net increase in electricity demands, and buildout under the proposed project would not require expanded electricity supplies.

Based on Air Quality & Greenhouse Gas Analysis (Appendix A), the project would generate a net increase in natural gas demand of approximately 2.05 KBTU/yr. This net increase is well within the Southern California Gas Company's systemwide natural gas supplies of approximately 923 million of therms during the 2017 period. (CEC, 2017). Therefore, there are sufficient planned natural gas supplies in the region for the estimated net increase in natural gas demands, and buildout under the proposed Project would not require expanded natural gas supplies.

Additionally, plans submitted for building permits of development projects in the project area would be required to include verification demonstrating compliance with the 2016 Building and Energy Efficiency Standards and are also required to be reviewed. The project would also be required adhere to the provisions of CALGreen, which established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants.

Even though the project would increase the consumption of electricity and natural gas resources, the project would not increase demand such that SoCalGas and SCE would need to plan for new regional electricity or natural gas facilities, the construction of which could cause significant environmental effects.

Based on the above analysis, the proposed Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Less Than Significant Impact

- b) ***Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?***

The County of San Bernardino General Plan Renewable Energy and Conservation Element (REC Element) is an established regulatory framework, and is supportive of other county, state, and federal plans. REC Element Policy 1.1 states: "*Continue implementing the energy conservation and efficiency measures identified in the County of San Bernardino Greenhouse Gas Emissions Reduction Plan.*" As noted in the analysis for Issue VIIIa-b, *Greenhouse Gas Emissions*, the Performance Standards for Commercial and Industrial Project pursuant to Appendix F of the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan* will be included as Conditions of Approval for the Project.

No Impact.

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

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

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

☐ ☐ ☐ ☒

ii. Strong seismic ground shaking?

☐ ☐ ☒ ☐

iii. Seismic-related ground failure, including liquefaction?

☐ ☐ ☒ ☐

iv. Landslides?

☐ ☐ ☐ ☒

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

☐ ☐ ☒ ☐

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?

☐ ☐ ☒ ☐

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?

☐ ☐ ☒ ☐

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?

☐ ☐ ☒ ☐

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

☐ ☒ ☐ ☐

SUBSTANTIATION: (Check ☐ if project is located in the Geologic Hazards Overlay District San Bernardino County General Plan, 2007; Submitted Project Materials, Feasibility of On-Site Sewage Disposal System (Appendix G).

ai) ***Would the project 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?

The project site is not located within an Alquist-Priolo Earthquake Fault Zone, and no known faults underlie the site. Because there are no faults located on the project site, there is no potential for the project to expose people or structures to adverse effects related to ground rupture.

No Impact.

aii) ***ii) Strong seismic ground shaking?***

The project site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the project. This risk is not considered substantially different than that of other similar properties in the Southern California area. As a mandatory condition of project approval, the project would be required to construct the proposed structures in accordance with the California Building Code. The County's Building and Safety Department would review the building plans through building plan checks, issuance of a building permit, and inspection of the buildings during construction, which would ensure that all required California Building Code seismic safety measures are incorporated into the buildings. Compliance with the California Building Code as verified by the County's review process, would reduce impacts related to strong seismic ground shaking to less than significant.

Less Than Significant Impact

aiii) ***iii) Seismic-related ground failure, including liquefaction?***

Liquefaction is a phenomenon in which loose, saturated, relatively cohesion-less soil deposits lose shear strength during strong ground motions. The factors controlling liquefaction are:

- Seismic ground shaking of relatively loose, granular soils that are saturated or submerged can cause soils to liquefy and temporarily behave as a dense fluid. For liquefaction to occur, the following conditions have to occur:

- o Intense seismic shaking;

- o Presence of loose granular soils prone to liquefaction; and
- o Saturation of soils due to shallow groundwater.

The soil type present throughout most of the subject site is undocumented fill comprised of silty fine sand that was not saturated. The depth of undocumented fill across the site varies with the deepest section found to be 30 feet logged in the southwesterly area of the subject site. Based on historical groundwater data researched for this analysis, free groundwater is not anticipated to encroach within 50-feet of surface elevation at the subject site. The perched water condition recorded at a depth of 43-feet in Boring B1 is not considered sufficient to initiate liquefaction of the overlying soils and the overlying soils being comprised of very silty fine sands and interbedded clays do not possess soil characteristics susceptible to liquefaction.

While the soil type on site is not considered to have properties that would be susceptible to liquefaction, the soil in question is undocumented fill and covers most the subject site. The undocumented fill was tested during the field portion of this investigation and found to be loose from the surface to a depth of approximately 30-feet. Based on the initial test results, the density of the existing on-site soils are not sufficient to preclude settlement during a seismic event though the soil properties themselves are not susceptible to liquefaction potential. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the California Building Code as identified in a site specific geotechnical design would be reviewed by the County for appropriate inclusion, as part of the building plan check and development review process, would reduce the potential for liquefaction to a less than significant level.

Less Than Significant Impact.

aiv) ***iv)Landslides?***

The site is relatively flat and contains no slopes that may be subject to landslides. Therefore the site is not considered susceptible to seismically induced landslides. As such, there are no impacts.

No Impact.

b) ***Would the project result in substantial soil erosion or the loss of topsoil?***

Construction

During construction, the project has the potential to contribute to soil erosion and the loss of topsoil. Grading and excavation activities that would be required for the project would expose and loosen topsoil, which could be eroded by wind or water. A Construction General Permit would be obtained and a Storm Water Pollution Prevention Plan (SWPPP) would be prepared prior to construction. Potential impacts would be mitigated for through sediment, erosion, and non-storm water control methods identified

in the SWPPP pursuant to the requirements of the NPDES General Construction Permit. Implementation of a SWPPP would ensure the project does not result in significant impacts to water quality due to construction-related activities.

Operations

The project includes installation of landscaping and paving throughout the project site and areas of loose topsoil that could erode by wind or water would not exist upon operation of the proposed use. In addition, as described in Section X, *Hydrology and Water Quality*, the hydrologic features of the proposed project have been designed to slow, filter, and retain stormwater on the project site, which would also reduce the potential for stormwater to erode topsoil. Furthermore, the Water Quality Management Plan (WQMP) prepared for the project proposes treatment of water quality flows using a Filterra proprietary system located and maintained on-site. The Filterra system uses catch basins and planted filter systems at the back of curb to accept and filter storm runoff from the paved and impervious areas on-site. Other areas of the project have been designed where possible to incorporate LID principles, including draining roof drainage to adjacent landscaping where possible and minimizing impervious areas through use of minimum sizes for hardscape (sidewalks and drive aisles).

As a result, potential impacts related to substantial soil erosion or loss of topsoil would be less than significant with implementation of the mandatory requirements for the preparation of a SWPPP and WQMP.

Less Than Significant Impact.

- c) ***Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?***

Landslide

The site is relatively flat and contains no slopes that may be subject to landslides. Therefore, the site is not considered susceptible to landslides.

Lateral Spreading

Lateral spreading is a term referring to landslides that commonly form on gentle slopes and that have rapid fluid-like flow horizontal movement. Most lateral spreading is caused by earthquakes but it is also caused by landslides. The site is relatively flat and contains no slopes that may be subject to landslides. Therefore, the site is not considered susceptible to lateral spreading.

Subsidence

Subsidence is the downward movement of the ground caused by the underlying soil conditions. Certain soils, such as clay soils are particularly vulnerable since they shrink and swell depending on their moisture content. Detailed design-level geotechnical

studies and building plans pursuant to the California Building Code are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the California Building Code as identified in a site specific geotechnical design would be reviewed by the County for appropriate inclusion, as part of the building plan check and development review process, would reduce the potential for subsidence to a less than significant level.

Liquefaction

The soil type present throughout most of the subject site is undocumented fill comprised of silty fine sand that was not saturated. The depth of undocumented fill across the site varies with the deepest section found to be 30 feet logged in the southwesterly area of the subject site. Based on historical groundwater data researched for this analysis, free groundwater is not anticipated to encroach within 50-feet of surface elevation at the subject site. The perched water condition recorded at a depth of 43-feet in Boring B1 is not considered sufficient to initiate liquefaction of the overlying soils and the overlying soils being comprised of very silty fine sands and interbedded clays do not possess soil characteristics susceptible to liquefaction.

The potential for liquefaction is considered to be very low with implementation of the recommendations specified in the project's Updated Geotechnical Report (Appendix D).

Collapse

Collapse occurs in saturated soils in which the space between individual particles is completely filled with water. This water exerts a pressure on the soil particles that influences how tightly the particles themselves are pressed together. The soils lose their strength beneath buildings and other structures. The site is subject to low to moderate potential for collapse. Detailed design-level geotechnical studies and building plans pursuant to the *California Building Code* are required prior to approval of construction. Compliance with the recommendations contained in the Updated Geotechnical Report (Appendix D) prepared for the project is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the *California Building Code* as identified in a site specific geotechnical design would be reviewed by the County for appropriate inclusion, as part of the building plan check and development review process, would reduce the low to moderate potential for collapse to a less than significant level.

Less Than Significant Impact.

- d) ***Would the project 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?***

Testing of near surface on-site soils indicate an expansion of EI=96, which is classified as a high expansion potential. Detailed design-level geotechnical studies and building plans pursuant to the *California Building Code* are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils

conditions, is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the *California Building Code* as identified in a site specific geotechnical design would be reviewed by the County for appropriate inclusion, as part of the building plan check and development review process, would reduce the potential for expansive soils to a less than significant level.

Less Than Significant Impact.

- e) ***Would the project 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?***

Testing was conducted in accordance with *Onsite Wastewater Treatment Soil Percolation (PERC) Test Report Standards: Suitability of Lots and Soils for Use of Leachlines or Seepage Pits* by San Bernardino County Public Health. Test results that were approved by County Environmental Health Services indicate that the soils are suitable for use of a septic system..

Less than Significant Impact.

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

Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine- to medium grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and, in fact, are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

The project site is located within the Sphere of Influence of the City of Chino. According to Chapter 4.5 Cultural and Paleontological Resources of the General Plan Environmental Impact Report, City of Chino, January 25, 2010, the project site lies in a region which is made up of alluvial valley floors, fans and terraces and the basic soil types are young alluvial deposits. Pleistocene alluvium and Holocene alluvium deposits underlying several areas of the Chino area have been identified as having varying potentials to yield fossils of importance. Vertebrate land mammal fossils have been discovered in parts of the Chino area, including the fossils of a mammoth, ground sloth, camel, bison, horse and deer.

No known paleontological resources or unique geologic features are present on the Project site. Notwithstanding, the San Bernardino County General Plan EIR states that unknown paleontological resources have the potential to exist on properties that have not been disturbed by prior development activities involving excavation. Accordingly, the project has the potential to result in significant adverse impacts to paleontological

resources that may exist beneath the ground surface on the project site during site excavation and/or grading activities that would occur on the property during project construction activities. To minimize the effects of this potential impact, Mitigation Measure GEO-1 is required.

Mitigation Measure GEO-1: Treatment of Previously Unidentified Paleontological Resources. Prior to the issuance of a grading permit, the following note shall be included on the grading plans:

“If previously unidentified paleontological resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified Paleontologist assesses the significance of the resource. The County of San Bernardino Land Use Services Department shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The plan shall include, but not be limited to:

1. Preparation of recovered specimens to a point of identification and permanent preservation including washing of sediments to recover small invertebrates and vertebrates.

2. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impact to significant paleontological resources is not complete until such curation into an established repository has been fully completed and documented.

3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the County Land Use Services Department-Current Planning along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources.”

With implementation of Mitigation Measure GEO-1, impacts are less than significant.

Less Than Significant Impact With Mitigation Incorporated

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant</i>	<i>Less than Significant</i>	<i>No Impact</i>
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	with Mitigation Incorporated			
VIII. GREENHOUSE GAS EMISSIONS – Would the project:				

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☒ | ☐ |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☒ | ☐ |

SUBSTANTIATION: *San Bernardino County General Plan, 2007; Submitted Project Materials, Source: Air Quality and Greenhouse Analysis, Appendix A.*

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

In December September 2011, the County of San Bernardino adopted the "Greenhouse Gas Emissions Reduction Plan" ("GHG Plan"). The purpose of the GHG Plan is to reduce the County's internal and external GHG emissions by 15 percent below current (2011) levels by year 2020 in consistency with State climate change goals pursuant to AB32. The GHG Plan has been designed in accordance with Section 15183.5 of the State CEQA Guidelines which provides for streamline review of climate change issues related to development projects when found consistent with an applicable greenhouse gas emissions reduction plan.

Section 5.6 of the GHG Plan identifies the procedures for reviewing development projects for consistency with the GHG Plan. The GHG Plan includes a two-tiered development review procedure to determine if a project could result in a significant impact related greenhouse gas emissions or otherwise comply with the GHG Plan pursuant to Section 15183.5 of the State CEQA Guidelines. The initial screening procedure is to determine if a project will emit 3,000 metric tons of carbon dioxide equivalent (MTCO₂E) per year or more. Projects that do not exceed this threshold require no further climate change analysis but are required to implement mandatory reducing measures in the project's conditions of approval.

Projects exceeding this threshold must meet a minimum 31 percent emissions reduction in order to garner a less than significant determination. This can be met by either (1) achieving 100 points from a menu of mitigation options provided in the GHG Plan or (2) quantifying proposed reduction measures. Projects failing to meet the 31 percent reduction threshold would have a potentially significant impact related to climate change and greenhouse gas emissions.

A GHG emissions inventory was conducted for the project utilizing the California Emissions Estimator Model (CalEEMod) as shown in Table 11 below.

Table 11. Total Project Greenhouse Gas Emissions During Construction

Emission Source	GHG Emissions (metric tons per year)
Construction	
Site Preparation	57.26
Grading	53.20
Building Construction	259.95
Paving	17.21
Coating	4.11
Annual Construction Emissions (amortized over 30 years)	13.06
Sub-Total	13.06
Operations	
Mobile Source	604.59
Energy Source	315.55
Area Source	3.35
Water	55.65
Waste	50.48
Sub-Total	1,029.62
Total (All Sources)	1,043.00
Significance Threshold	3,000
Significant?	NO
<i>Source: Air Quality and Greenhouse Gas Impact Analysis (Appendix A).</i>	

As shown in Table 11 above, the project's GHG emissions are less than the initial screening threshold of 3,000 MTCO₂E per year. Projects that do not exceed this threshold require no further climate change analysis. However, Performance Standards pursuant to Appendix F of the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan* will be included as Conditions of Approval for the project.

Less Than Significant Impact.

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

State Plan

The *Climate Change Scoping Plan* was first approved by the California Air Resources Board (CARB) in 2008 and must be updated every five years. The *First Update to the Climate Change Scoping Plan* was approved by CARB on May 22, 2014. The *Climate Change Scoping Plan* provides a framework for actions to reduce California's GHG emissions, and requires CARB and other state agencies to adopt regulations and other initiatives to reduce GHGs. As such, the *Climate Change Scoping Plan* is not directly applicable to the project in most instances. However, the project is not in conflict with the *Climate Change Scoping Plan* because its individual greenhouse gas emissions are below screening thresholds as noted in the response to Issue VIII(a) above and the project will implement such greenhouse reduction measures. Water Efficient

Landscaping, Title 24 Energy Efficiency Requirements, and recycling and waste reduction requirements

Regional Plan

I The County of San Bernardino has adopted the "*Greenhouse Gas Emissions Reduction Plan*" ("GHG Plan"). The purpose of the GHG Plan is to reduce the County's internal and external GHG emissions by 15 percent below current (2011) levels by year 2020 in consistency with State climate change goals pursuant to AB32. The GHG Plan has been designed in accordance with Section 15183.5 of the State CEQA Guidelines which provides for streamline review of climate change issues related to development projects when found consistent with an applicable greenhouse gas emissions reduction plan.

Performance Standard pursuant to Appendix F of the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan* will be included as conditions of approval for the project.

Based on the analysis above, the project will not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. Impacts are less than significant.

Less Than Significant Impact.

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

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials.

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

- b) **Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Construction Activities

Heavy equipment that would be used during construction of the project would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the project site during construction. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. The potential for accidental releases and spills of hazardous materials during construction is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with future development that would be a reasonably consequence of the project than would occur on any other similar construction site.

Construction contractors are required to comply with all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, South Coast Air Quality Management District, and the Santa Ana Regional Water Quality Control Board. As such, impacts due to construction activities would not cause a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials

Operational Activities

During the operational phase of the project, hazardous or potentially hazardous materials would not be routinely handled, stored, or dispensed on the project site in substantial quantities. Cleaning and degreasing solvents, fertilizers, pesticides, and other materials used in the regular maintenance of buildings and landscaping would be utilized on-site. Some medicines and medical supplies would also be used on-site, of limited type and quantity.

These potentially hazardous materials, however, would not be of a type or occur in sufficient quantities to pose a significant hazard to the public and safety or the environment. Businesses are required by law to ensure employee safety by identifying hazardous materials in the workplace, providing safety information to workers that handle hazardous materials, and adequately training workers. The project would be required to comply with applicable federal, state, and local requirements related to the handling of hazardous materials. Thus, hazardous materials used during project operation would not pose any substantial public health risk or safety hazards. Therefore, long-term operational impacts are less than significant.

Less Than Significant Impact.

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

The project site is not located within one-quarter (0.25) mile of a mile from an existing or proposed school. The nearest schools are Chino Hills Kindercare located approximately 0.60 miles south of the project site and Doris Dickson Elementary School located approximately 0.75 miles east of the project site. In addition, as discussed in the responses to issues VII a-b above, the all hazardous or potentially hazardous materials would comply with all applicable federal, State, and local agencies and regulations with respect to hazardous materials.

No Impact.

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

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State and local agencies to comply with the California Environmental Quality Act requirements in providing information about the location of hazardous materials release sites pursuant to Government Code Section 65962.5.. Below are the data resources that provide information regarding the facilities or sites identified as meeting the “Cortese List” requirements.

- List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) EnviroStor database.
- List of Leaking Underground Storage Tank Sites from the State Water Board's GeoTracker database.
- List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit (PDF).
- List of “active” CDO and CAO from Water Board (MS Excel, 1,453 KB).
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC.

Based on a review of the Cortese List maintained by the California Environmental Protection Agency website at <https://calepa.ca.gov/SiteCleanup/CorteseList/> on January 15, 2020, the project site is not identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

No Impact.

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

The project site is not located within an Airport Land Use Compatibility Plan or within 2 miles of a public use airport or private airstrip. The nearest airport is the Chino Airport located approximately 5 miles to the southeast of the project site. As such, the project would not result in safety hazard impacts to or from aircraft-related uses.

No Impact.

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

Access to the project site is proposed from Serenity Trail, which is an improved roadway that meets County standards. The project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, the project would be required to maintain adequate emergency access for emergency vehicles from Serenity Trail and connecting roadways as required by the County and the City of Chino. Furthermore, the project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. Because the project would not interfere with an adopted emergency response or evacuation plan, there is no impact.

No Impact.

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

The County has mapped areas that are susceptible to wild land fires within the Fire Hazard Overlay. The Fire Hazard Overlay is derived from areas designated in high fire hazard areas in the General Plan and locations derived from the California Department of Forestry, U.S. Forest Service, and the County Fire Department. According to the San Bernardino County Hazards Overlay Map (Chino FH27B), the project Site is not located within a Fire Safety Overlay District. There is no impact.

No Impact.

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

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials, Preliminary Drainage Plan (Appendix E), Water Quality Management Plan (Appendix F), Feasibility of Onsite Sewage Disposal System (Appendix G).

- a) ***Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?***

Waste Discharge Requirements

Waste Discharge Requirements (WDRs) are issued by the Santa Ana Regional Board under the provisions of the California Water Code, Division 7 "Water Quality," Article 4 "Waste Discharge Requirements." These requirements regulate the discharge of wastes which are not made to surface waters but which may impact the region's water quality by affecting underlying groundwater basins. Such WDRs are issued for Publically Owned Treatment Works' wastewater reclamation operations, discharges of wastes from industries, subsurface waste discharges such as septic systems, sanitary landfills, dairies and a variety of other activities which can affect water quality.

Water Quality Requirements

The Porter-Cologne Act defines water quality objectives (i.e. standards) as "...the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area" (§13050 (h)).

Construction Impacts

Construction of the project would involve clearing, grading, paving, utility installation, building construction, and the installation of landscaping, which would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction activities in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Santa Ana Regional Water Quality Control Board and the County of San Bernardino, the project will be required to obtain a National Pollutant Discharge Elimination System Municipal Stormwater Permit for construction activities. The National Pollutant Discharge Elimination System permit is required for all projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area.

In addition, the project will be required to comply with the Santa Ana Regional Water Quality Control Board's *Basin Plan*. Compliance with the National Pollutant Discharge Elimination System permit and the *Basin Plan* involves the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for construction-related activities, including grading. The SWPPP would specify the Best Management Practices that the project would be required to implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the Project site.

Operational Impacts

Storm Water

Storm water pollutants commonly associated with the project include sediment/turbidity, nutrients, trash and debris, oxygen-demanding substances, organic compounds, bacteria and viruses, oil and grease, and pesticides.

Pursuant to the requirements of the County's National Pollutant Discharge Elimination System permit, a Water Quality Management Plan (WQMP) is required for managing the quality of storm water or urban runoff that flows from a developed site after construction is completed and the facilities or structures are occupied and/or operational. The WQMP prepared for the project indicates that the project will propose treatment of water quality flows using a Filterra proprietary system located and maintained on-site. The Filterra system uses catch basins and planted filter systems at the back of curb to accept and filter storm runoff from the paved and impervious areas on-site. Other areas of the project have been designed where possible to incorporate LID principles, including draining roof drainage to adjacent landscaping where possible and minimizing impervious areas through use of minimum sizes for hardscape (sidewalks and drive aisles). In addition, due to the potential Hydrologic Condition of Concern (HCOC) per California Water Quality Control Board, the proposed basin was designed as a detention basin to mitigate 2-year runoff from the subject site to address HCOC.

With implementation of mandatory requirements for a SWPPP and a WQMP, impacts are less than significant.

Septic System

In May 2017 the Santa Ana Regional Water Quality Control Board (RWQCB) approved the County's Local Agency Management Program (LAMP) as a response to the State Water Resources Control Board's adoption of the Onsite Wastewater Treatment Systems (OWTS) Policy. There are specific OWTS which are not included in the LAMP. These exceptions require individual discharge requirements, or a waiver of individual waste discharge requirements issued by the RWQCB. This Project will utilize an OWTS having a projected wastewater flow of over 10,000 gallons per day (GPD). As such it is not included within the LAMP and is required to be reviewed and permitted by the Santa Ana RWQCB.

The project will generate 13,000 gallons per day of wastewater and the proposed OWTS is designed to accommodate 25,177 gallons per day of wastewater. The OWTS is a compact and efficient recirculating packed-bed filter. It consists of sturdy, watertight fiberglass tanks that incorporate recirculation-blend and discharge tankage in a single module. Each complete, pre-manufactured unit also includes pumping systems, ventilation, and a lightweight, highly absorbent, engineered textile media that treats the wastewater to meet discharge requirements.

Less Than Significant Impact.

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

The Inland Empire Utilities Agency currently provides water service to the project area through the Monte Vista Water District (MVWD). The MVWD currently has 12 active groundwater wells with a combined capacity of approximately 28.2 million gallons per day (mgd). The MVWD's retail water distribution system is comprised of four pressure zones, 198 miles of pipelines, six reservoirs, seven booster stations, three hydrogenerators, and six emergency interconnections with neighboring water agencies.

The MVWD is dependent on four sources for its long-term water supply:

- Groundwater produced from the Chino Groundwater Basin, an adjudicated basin managed by the Chino Basin Watermaster;
- Imported State Water Project surface water received from the Metropolitan Water District of Southern California (MWD) through the Inland Empire Utilities Agency (IEUA) and the Water Facilities Authority (WFA);
- Entitlement water deliveries from San Antonio Water Company (SAWCO), including groundwater produced from local adjudicated groundwater basins and surface water produced from the San Antonio Creek Watershed; and,
- Recycled water from IEUA.

Based on the Monte Vista Water District – 2015 Urban Water Management Plan (updated June 2016), MVWD can expect its available supplies to significantly exceed anticipated demands over the 25-year planning period. As a result of these surplus supplies, MVWD should not experience any problems in meeting its demands during normal, single, or multiple dry-year periods over the next 25 years. As such, the project will not substantially decrease groundwater supplies.

Development of the project would increase impervious surface coverage on the site which would in turn reduce the amount of direct infiltration of runoff into the ground. This would have a less than significant impact on groundwater recharge basins that are managed for that purpose, since those recharge areas do not encompass the project site. As such, the project will not interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Based on the above analysis, impacts to groundwater supplies and recharge would be less than significant and no mitigation measures are required.

Less Than Significant Impact

- ci) ***Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:***

i) Result in substantial erosion or siltation on- or off-site;

Development of the project site will create impervious surfaces and increase the amount of surface runoff. The project will propose treatment of water quality flows using a Filterra proprietary system located and maintained on-site. The Filterra system uses catch basins and planted filter systems at the back of curb to accept and filter storm runoff from the paved and impervious areas on-site. Other areas of the project have been designed where possible to incorporate LID principles, including draining roof drainage to adjacent landscaping where possible and minimizing impervious areas through use of minimum sizes for hardscape (sidewalks and drive aisles). Hydrologic Condition of Concern mitigation is provided by a single detention basin at the southeast corner of the project site. As such, the project will not result in substantial erosion or siltation on- or off-site.

Less than Significant Impact.

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

Existing Condition

The existing site grades range from a maximum elevation of ± 756 feet in the northwest region of the site to a minimum elevation of ± 723 feet in the east of the site with less than 5.0% gradient. The runoff from the existing site flows from northwest to the east in a sheet flow condition. Runoff is then spilled into the eastern neighborhood and continued southeasterly to an existing concrete ditch on the southeast side of the neighborhood and discharge to Chino Avenue. There is run-on tributary flow for 1.9 acres that comes from the north side of the property.

Proposed Condition

The existing drainage patterns will be preserved in the proposed condition. Under the proposed condition, the site runoff will be directed to an on-site detention basin which is located in the southeast corner of the site and ultimately discharged to the existing storm drain system in Chino Avenue.

Due to the potential Hydrologic Condition of Concern (HCOC) per California Water Quality Control Board, the proposed basin was designed as a detention basin to mitigate 2-year runoff from the subject site to address HCOC. The basin also mitigates 100-year peak storm to address downstream capacity constraints. The 100-year runoff generated from the developed site will be less than the existing (undeveloped) runoff.

The above described on-site basin has been designed to mitigate the storm water runoff from the developed site to levels equivalent to the pre-developed storm event up to the 100-year peak event. to ensure that the project will not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite. Impacts are less than significant.

Less Than Significant Impact.

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

The existing drainage patterns will be preserved in the proposed condition. Under the proposed condition, the site runoff will be directed to an on-site detention basin which is located in the southeast corner of the site and ultimately discharged to the existing storm drain system in Chino Avenue.

Due to the potential Hydrologic Condition of Concern (HCOC) per California Water Quality Control Board, the proposed basin was designed as a detention basin to mitigate 2-year runoff from the subject site to address HCOC. The basin also mitigates 100-year peak storm to address downstream capacity constraints. The 100-year runoff generated from the developed site will be less than the existing (undeveloped) runoff. The WQMP prepared for the project indicates that the project will propose treatment of water quality flows using a Filterra proprietary system located and maintained on-site. The Filterra system uses catch basins and planted filter systems at the back of curb to accept and filter storm runoff from the paved and impervious areas on-site. Other areas of the project have been designed where possible to incorporate LID principles, including draining roof drainage to adjacent landscaping where possible and minimizing impervious areas through use of minimum sizes for hardscape (sidewalks and drive aisles). As such, the project will not provide substantial additional sources of runoff.

Less Than Significant Impact.

- civ) **iv) *Impede or redirect flood flows?***

The Project site is located within FEMA Zone X (per FEMA National Flood Hazard Map 0671C8615H) and is not subject to flooding. As such, the project will not impede or redirect flood flows.

No Impact

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

The Project site is located within FEMA Zone X (per FEMA National Flood Hazard Map 0671C8615H) and is not subject to flooding.

According to the California Department of Conservation, California Official Tsunami Inundation Maps the site is not located within a tsunami inundation zone.

Seismic seiches are standing waves set up on rivers, reservoirs, ponds, and lakes when seismic waves from an earthquake pass through the area. The project site is not located in close proximity to a river, reservoir, pond, or lake and will not be at risk from seiche.

No Impact

e) ***Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

The existing drainage patterns will be preserved in the proposed condition. Under the proposed condition, the site runoff will be directed to an on-site detention basin which is located in the southeast corner of the site and ultimately discharged to the existing storm drain system in Chino Avenue.

Due to the potential Hydrologic Condition of Concern (HCOC) per California Water Quality Control Board, the proposed basin was designed as a detention basin to mitigate 2-year runoff from the subject site to address HCOC. The basin also mitigates 100-year peak storm to address downstream capacity constraints. The 100-year runoff generated from the developed site will be less than the existing (undeveloped) runoff. As such, the project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts are less than significant.

Less Than Significant Impact.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XI. LAND USE AND PLANNING - Would the project:					
a)	Physically divide an established community?	☐	☐	☒	☐
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?	☐	☒	☐	☐
<i>SUBSTANTIATION:</i>					
<i>San Bernardino County General Plan, 2007; Submitted Project Materials.</i>					

a) ***Would the project physically divide an established community?***

An example of a project that has the potential to divide an established community includes the construction of a new freeway or highway through an established neighborhood. The project site is 3.16 acres in size and is located in a developed area. The site is bordered by single-family residential development to the north and east, Serenity Trail followed by vacant land with Chino Avenue further to the south, and Serenity Trail followed by SR-71 further to the west. The project site is at a lower elevation from the adjacent existing homes, As such, it is not part of existing neighborhood to the north and east. In addition, the project will have separate entrances and exits and will not be accessible from the existing roadway system in the neighborhood to the north and east.. As such, the project will not divide an established community and there are no impacts.

No Impact.

b) ***Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?***

Under current conditions, the project is inconsistent with the existing General Plan/ Land Use/Zoning Map which designates the site as RS-1 (Single Residential, 1 acre minimum lot size).The project is proposing a General Plan/ Land Use/Zoning Map Amendment from RS-1 (Single Residential, 1 acre minimum lot size) to CG (General Commercial).

An inconsistency with the General Plan/ Land Use/Zoning Map would only be significant if they were to result in significant, adverse physical effects to the environment. As

disclosed in this Initial Study/Mitigated Negative Declaration, implementation of the proposed project would develop the subject property at a greater intensity than allowed under the existing General Plan/Zoning designations and FAR and would result in adverse effects to the environment. However, in all instances where adverse impacts have been identified, mitigation measures are provided to reduce each impact to less-than-significant levels. Therefore, because the project is processing a General Plan Land Use/Zoning Map amendment to modify the site's underlying land use regulations to be consistent with those proposed by the project, the project would not result in significant impacts to the environment with the implementation of the mitigation measures identified throughout this Initial Study/Mitigated Negative Declaration.

Plans that are adopted to mitigate an environmental effect include, but are not limited to the South Coast Air Quality Management District's Air Quality Management Plan, the County of San Bernardino Greenhouse Gas Emissions Reduction Plan, and the Santa Ana Region Basin Plan. As demonstrated throughout this Initial Study/Mitigated Negative Declaration, the project would otherwise not conflict with any applicable goals, objectives, and policies of the County of San Bernardino General Plan or Development Code. Additionally, the project would not conflict with any applicable policy document, including the South Coast Air Quality Management District's Air Quality Management Plan, the County of San Bernardino Greenhouse Gas Emissions Reduction Plan, and the Santa Ana Region Basin Plan with implementation of the mitigation measures identified throughout this Initial Study/Mitigated Negative Declaration.

Less Than Significant Impact With Mitigation Measure AR-1 Incorporated.

Mitigation Measure AIR-1: Limit Amount of Soil Import and Export. Prior to the issuance of a grading permit, the following note shall be included on the grading plan:

“Limit the amount of material imported or exported to the site to forty (40) truckloads per day or less during the site preparation and grading phase of construction.”

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XII. MINERAL RESOURCES - Would the project:					
a)	Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

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

San Bernardino County General Plan, 2007; Submitted Project Materials.

- a-b) **a) Would the project 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?**
- b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

The project site is located within the Sphere of Influence of the City of Chino. The City of Chino lies within the Claremont-Upland Production-Consumption (P-C) Region. The entire Claremont-Upland P-C Region has been divided into Mineral Resources Zones (MRZ's) to aid in the classification of areas with mineral deposits. According to Figure OSC-3 of the City of Chino General Plan, the project site is located within MRZ-1 which consists of rocks unsuitable for commercial use, such as shale, siltstone, carbonates, and chlorite-schist, as well as fine-grained sedimentary deposits that are unsuitable for use as aggregate. In addition, the site has never been used for mineral resources extraction. Thus, implementation of the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the state.

No Impact.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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XIII. NOISE - Would the project result in:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☒ | ☐ | ☐ |
| b) Generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☒ |
| 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? | ☐ | ☐ | ☐ | ☒ |

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

San Bernardino County General Plan, 2007; Submitted Project Materials, Noise Impact Study (Appendix H).

- a) ***Would the project 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?***

Existing Ambient Noise Environment

Noise monitoring locations were selected based on the proximity to the location to adjacent roadway noise sources and sensitive receptors. The location of the short term measurements are as follows:

- ST-1 was taken approximately 5 feet south of northern property line and 250 feet east of the westerly property line.
- ST-2 was taken approximately 15 feet west of eastern property line and approximately 260 feet north of the southern property line.

Noise measurement data indicates that traffic noise propagating from the nearby roadways is the main source of noise impacting the project site and surrounding land uses. Noise levels on-site range from 56.4 dBA Leq to 61.4 dBA Leq during daytime hours and 51.4 dBA Leq to 56.4 dBA Leq during nighttime hours. The existing ambient noise levels currently exceed the County's daytime and nighttime stationary noise source standards for residential uses.

Construction Noise

Noise generated by construction equipment will include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels. The number and mix of construction equipment is expected to occur in the following stages:

- Site Preparation;
- Grading;
- Building Construction;
- Paving; and
- Architectural Coating.

Table 12 below shows the typical noise levels generated by construction equipment.

Table 12. Typical Construction Noise Levels	
Equipment Powered by Internal Combustion Engines	
Type	Noise Levels (dBA) at 50 feet
Earth Moving	
Compactors (Rollers)	73-76
Front Loaders	73-84
Backhoes	73-92
Tractors	75-95
Scrapers, Graders	78-92
Pavers	85-87
Trucks	81-94
Materials Handling	

Concrete Mixers	72-87
Concrete Pumps	81-83
Cranes (Movable)	72-86
Cranes (Derrick)	85-87
Stationary	
Pumps	68-71
Generators	71-83
Compressors	75-86
Impact Equipment	
Type	Noise Levels (dBA) at 50 feet
Pneumatic Wrenches	82-87
Jack Hammers, Rock Drills	80-99
Pile Drivers (Peak)	95-105
Other	
Type	Noise Levels (dBA) at 50 feet
Vibrators	68-82
Saws	71-82
Source: Noise Impact Study (Appendix G).	

Table 13 below shows the construction related noise levels generated by the project.

Phase	Equipment	Calculated Noise Level at 50 ft (dBA)		Combined Noise Level at 50 ft (dBA)	
		Lmax	Leq	Lmax	Leq
Site Preparation	Rubber Tired Dozers	81.7	80.7	88.3	87.3
	Tractors/Loaders/Backhoes	77.6	76.6		
Grading	Excavators	80.7	79.7		

	Graders	85.0	84.0	88.8	87.8
	Rubber Tired Dozers	81.7	80.7		
	Tractors/Loaders/Backhoes	77.6	76.6		
Building Construction	Cranes	80.6	75.6	101.5	97.5
	Forklifts	74.7	70.7		
	Generator Sets	80.6	80.6		
	Tractors/Loaders/Backhoes	77.6	76.6		
	Welders	74.0	73.0		
	Impact Pile Driver	101.3	97.3		
Paving	Cement and Mortar Mixers	78.8	77.8	93.5	90.0
	Pavers	77.2	77.2		
	Paving Equipment	89.5	85.5		
	Rollers	80.0	76.0		
	Tractors/Loaders/Backhoes	77.6	76.6		
Architectural Coating	Air Compressors	77.7	76.7	77.7	76.7
Source: Noise Impact Study (Appendix H).					

Construction Noise Thresholds

The degree of construction noise will vary depending on the phase of construction and type of construction activity. The closest sensitive receptors to the project site are existing residential uses to the north and east.

Construction noise sources are regulated within San Bernardino County under Section 83.01.090 (G) of the Development Code, which states that temporary construction, maintenance, repair, or demolition activities between 7AM to 7PM, except Sundays and Federal Holidays are exempt from the County's noise regulations.

Regardless of the project's consistency with the Section 83.01.090 of the Development Code as described above, construction activities on the project site, especially those involving heavy equipment, would result in noise levels up to 101.5 dBA during construction as shown on Table 13 above, which would exceed the exterior noise level

for residential uses of 55 dBA CNEL. The following mitigation measure are required to reduce construction noise impacts to the maximum extent feasible.

Mitigation Measure NOI-1: Construction Noise. Prior to the issuance of a grading permit and building permit, the following note shall be placed on the grading plans and building plans.

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

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

c. The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday excluding holidays.

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

e. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.”

With implementation of Mitigation Measure NOI-1, impacts are less than significant.

Operational Noise (Stationary)

The stationary noise impacts associated with the proposed project would include condenser unit noise from the rooftop HVAC units, and loading/unloading, deliveries and trash truck activities from the rear service area.

Operational Noise Thresholds

Section 83.01.080 (c) of the Development Code establishes standards concerning acceptable noise levels for the residential land uses to the north and east of the project site as 55 dBA Leq between the hours of 7am and 10pm and 45 dBA Leq between the hours of 10pm and 7am. According to Section 83.01.080 (c) (2).

“No person shall operate or cause to be operated a source of sound at a location or allow the creation of noise on property owned, leased, occupied, or otherwise controlled by the person, which causes the noise level, when measured on another property, either incorporated or unincorporated, to exceed any one of the following:

(A) *The noise standard for the receiving land use as specified in Subsection B (Noise-impacted areas), above, for a cumulative period of more than 30 minutes in any hour.*

(B) *The noise standard plus 5 dB (A) for a cumulative period of more than 15 minutes in any hour.*

(C) *The noise standard plus 10 dB (A) for a cumulative period of more than five minutes in any hour.*

(D) *The noise standard plus 15 dB (A) for a cumulative period of more than one minute in any hour.*

(E) *The noise standard plus 20 dB (A) for any period of time”.*

As noted above, the ambient noise levels in the project area already exceed these standards. According to Section 83.01.080 (e):

“If the measured ambient level exceeds any of the first four noise limit categories in Subsection (d) (2), above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category in Subsection (d) (2), above, the maximum allowable noise level.”

HVAC Equipment Noise

The proposed project would have rooftop heating, ventilation, and air conditioning (HVAC) or condenser equipment. With the effects of distance divergence, noise generated by HVAC equipment would be reduced to approximately 47.9 dBA Leq at the closest residences. In order to ensure HVAC equipment noise levels do not adversely impact the adjacent residential properties, all roof mounted equipment should be located at least 100 feet from the nearest residential property line and located behind a 5-foot parapet wall per Mitigation Measure NOI-2 below.

Mitigation Measure NOI-2: Rooftop Equipment. Prior to the issuance of a building permit the following note shall be placed on the building plans.

“Mitigation Measure NOI-2: Rooftop Equipment. Locate all rooftop mechanical equipment as far away from neighboring residential properties as possible, and not less than 100 feet from property line, and provide a 5-foot parapet wall along rooftop to shield equipment.”

With implementation of Mitigation Measure NOI-2, noise impacts would be less than significant at the noise sensitive land uses adjacent to the site.

Service Area and Trash Truck Noise

The project would have a truck delivery and trash pick-up service area located near the rear of the building, located approximately 60 feet from the north and east property line. During loading, unloading, and trash pick-up activities noise would be generated by the

trucks' engines, exhaust systems, breaking, backing up, dropping down ramps and moving materials or dumpsters.

Noise levels generated by loading area and trash truck activities would be below the County's daytime (55 dBA Leq) and nighttime (45 dBA Leq) exterior standard for the residential land uses as the project's noise level for loading activities is 36.5 dBA Leq. Furthermore, noise impacts associated with loading area and trash collection are considered short-term and infrequent occurrences. However, in order to reduce noise levels to the maximum extent feasible, Mitigation Measure NOI-3 is required.

Mitigation Measure NOI-3: Perimeter Wall. Prior to the issuance of a building permit the following note shall be placed on the building plans.

"Mitigation Measure NOI-3: Perimeter Wall. Install 6-foot masonry block sound wall along parcel boundary as measured from the highest adjacent grade."

With implementation of Mitigation Measure NOI-3, noise impacts would be reduced to the maximum extent feasible and impacts are less than significant.

Combined Noise Levels

The combined noise level calculation includes the existing ambient noise level plus all stationary noise sources associated with the project. When combining the existing ambient noise level to the stationary noise levels, the project would result in a 57.0 dBA Leq level during daytime and 53.1 dBA Leq level during nighttime at the residential land uses near the northern property line. The combined ambient and stationary noise levels at residential and uses near the eastern property line would be 61.6 dBA Leq during daytime hours and 57.0 dBA LEQ during nighttime hours. However, in order to reduce noise levels to the maximum extent feasible, Mitigation Measures NOI-4 is required (in addition to Mitigation Measures NOI-1 through NOI-3 above).

Mitigation Measure NOI-4: Memory Garden Wall. Prior to the issuance of a building permit the following note shall be placed on the building plans.

"Mitigation Measure NOI-4: Memory Garden Wall. Install 6-foot masonry block sound wall around memory care garden."

With implementation of Mitigation Measures NOI-1 through NOI-4, impacts are less than significant.

Traffic Noise

Existing Plus Project Conditions

The project is anticipated to have minimal impact to the existing traffic noise levels. Noise levels are expected to increase by approximately 2.8 dBA CNEL along Serenity Trail and 0.1 dBA CNEL along Chino Avenue. Typically, the human ear can barely perceive the change in noise level of 3 dB, and therefore, the minor increase in noise is considered

less than significant. Furthermore, noise levels along Serenity Trail will remain below the acceptable limits for residential and institutional uses. Impacts are less than significant.

Opening Year Conditions

Noise levels are expected to increase by approximately 2.8 dBA CNEL along Serenity Trail and 0.1 dBA CNEL along Chino Avenue, as a result of the project. Typically, the human ear can barely perceive the change in noise level of 3 dB, and therefore, the minor increase in noise is considered less than significant. Furthermore, noise levels along Serenity Trail will remain below the acceptable limits for residential and institutional uses. The project is anticipated to have a less than significant impact to the Opening Year traffic noise levels. Impacts are less than significant.

Year 2040 Conditions

Noise levels are expected to increase by approximately 2.8 dBA CNEL along Serenity Trail and 0.0 dBA CNEL along Chino Avenue, as a result of the project. Typically, the human ear can barely perceive the change in noise level of 3 dB, and therefore, the minor increase in noise is considered less than significant. Furthermore, noise levels along Serenity Trail will remain below the acceptable limits for residential and institutional uses. Impacts are less than significant.

Less Than Significant Impact With Mitigation Incorporated

b) ***Would the project generation of excessive groundborne vibration or groundborne noise levels?***

Construction Vibration

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. It is expected that ground-borne vibration from construction activities most likely to cause vibration impacts are:

Heavy Construction Equipment: Although all heavy mobile construction equipment has the potential of causing at least some perceptible vibration while operating close to buildings, the vibration is usually short-term and is not of sufficient magnitude to cause building damage.

Trucks: Trucks hauling building materials to construction sites can be sources of vibration intrusion if the haul routes pass through residential neighborhoods on streets with bumps or potholes. Repairing the bumps and potholes generally eliminates the problem.

Section 83.01.090 of the Development Code states:

“No ground vibration shall be allowed that can be felt without the aid of instruments at or beyond the lot line, nor shall any vibration be allowed which produces a particle velocity greater than or equal to two-tenths (0.2) inches per second measured at or beyond the lot line.”

The vibratory impact from the site is estimated to be 0.141 PPV (in/sec) at the nearest sensitive receiver. Therefore, the project will not result in a generation of excessive groundborne vibration or groundborne noise levels. Impacts are less than significant.

Operational Vibration

Typically, groundborne vibration sources that could potentially affect nearby properties are from rail roads and trucks traveling at higher speeds on freeways and highways. The project does not have rail access nor is it a major transportation facility or roadway. Therefore, the operational impacts associated with ground-borne vibration would be less than significant at nearby sensitive uses

Less Than Significant Impact.

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

The project site is not located within an Airport Land Use Plan or within 2 miles of a public use airport or private airstrip. The nearest airport is the Chino Airport located approximately 5 miles to the southeast of the project site. As such, the project would not expose people residing or working in the project area to excessive noise levels. There is no impact.

No Impact

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

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials.

- a) ***Would the project 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)?***

Based on data form the U.S. Census Bureau (US Census 2019), under the current land use designation of RS-1, the project site would yield a population of 10 persons (3 dwelling units x 3.31 persons per household = 9.93 persons). If the request to amend the General Plan/ Land Use/Zoning Map from RS-1 (Single Residential, 1 acre minimum) to CG (General Commercial) is approved, the project would provide 109 units (79 assisted living units and 30 memory care units). The project would generate approximately 156 residences (assuming 65% of the assisted living units are occupied by 2 persons), representing an approximately 0.03% increase in the estimated population used in the 2016 RTP/SCS.

Typically, a population increase would be considered a significant impact pursuant to CEQA if it directly or indirectly affects the ability of agencies to provide needed public services and requires the unplanned construction of public facilities and utilities. The project is an in-fill development site, which does not require the unplanned extension of utilities or infrastructure to serve the project.

In addition, the analysis in Section XV, *Public Services*, of this Initial Study/Mitigated Negative Declaration demonstrates that the impacts on public services are less than significant so the public service provider's ability to provide services will not be reduced. Based on the above analysis, impacts are less than significant.

Less than Significant Impact

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

The Project site is currently vacant and would not displace substantial numbers of existing people or existing housing units, or require the construction of replacement housing, as no housing units exist on the site.

No Impact.

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

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials.

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

Fire Protection

The Chino Valley Independent Fire District provides contracted fire services to the Cities of Chino and Chino Hills, and the surrounding unincorporated areas of San Bernardino County. Station #66 is located at 13707 Peyton Drive in Chino Hills approximately 1.2 miles from the project site. The station is an 8,300-square-foot facility that houses one paramedic engine company staffed with three personnel and a paramedic squad staffed with two personnel.

The station also houses a reserve ladder truck and a reserve engine (chinovalleyfire.org 2019). According to the Chino Valley Independent Fire District Master Plan-2012 (chinovalleyfire.org 2019), the response goal of the District is to provide a response time of five minutes 90 percent of the time to moderate risk structural fires and core life threatening emergencies. Given the close proximity of Station #66, the project would not increase demands such that a new or physically altered fire station would be required to meet the goal of provide a response time of five minutes 90 percent of the time.

Development of the project would impact fire protection services by placing an additional demand on existing fire protection resources. The project would be conditioned by the Fire Department to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes. Although the project would increase the demand for fire protection services, it is not anticipated that it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities as the Fire Department has reviewed the project and will provide fire protection services from existing facilities.

Based on the above analysis, impacts related to fire protection are less than significant.

Police Protection

The San Bernardino County Sheriff through the Chino Hills Police Department currently provides public safety services to the project site. The project area is currently routinely patrolled. The Sheriff's Department has indicated that it can provide police protection services to the project site from existing facilities so the provision of new or physically altered sheriff facilities (e.g. substation) is not required to continue to patrol the area. Impacts are less than significant.

Schools

The project would establish assisted living and memory care facilities for senior citizens. As such, future residents would not be of school age or have children living with them. Therefore, the proposed project would not contribute to a substantial increase in the school-aged child population, necessitating either construction or expansion of local school district facilities. Thus, no impacts would occur.

Parks

Based on data from the U.S. Census Bureau (US Census 2019), under the current land use designation of RS-1, the project site would yield a population of 10 persons (3 dwelling units x 3.31 persons per household = 9.93 persons). If the request to amend the General Plan/ Land Use/Zoning Map from RS-1 (Single Residential, 1 acre minimum) to CG (General Commercial) is approved, the project would provide 109 units (79 assisted living units and 30 memory care units). The project would generate approximately 156 residences (assuming 65% of the assisted living units are occupied by 2 persons), representing an approximately 0.03% increase in the estimated population used in the 2016 RTP/SCS. As such, the project would not contribute to a substantial increase in the overall population necessitating either construction or expansion of a parks facility. Impacts are less than significant.

Other Public Facilities

The project would not contribute to a substantial increase in the overall population, necessitating either construction or expansion of a hospital, community based clinic, or other health services facility or program. Additionally, as an assisted living facility, many of the resident's medical needs would be met through on-site services. With regard to libraries, the project contains a library and computer room which will reduce the residents need to use a public library. Impacts are less than significant.

Less than Significant Impact.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XVI. RECREATION					
a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☒	☐
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?	☐	☐	☒	☐

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Submitted Project Materials.

- 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?***

Heritage Park is located approximately 1 mile east of the Project. Based on data from the U.S. Census Bureau (US Census 2019), under the current land use designation of RS-1, the project site would yield a population of 10 persons (3 dwelling units x 3.31 persons per household = 9.93 persons). If the request to amend the General Plan/ Land Use/Zoning Map from RS-1 (Single Residential, 1 acre minimum) to CG (General Commercial) is approved, the project would provide 109 units (79 assisted living units and 30 memory care units). The project would generate approximately 156 residences (assuming 65% of the assisted living units are occupied by 2 persons), representing an approximately 0.03% increase in the estimated population used in the 2016 RTP/SCS. As such, the project would not result in a substantial increase in the overall population, necessitating either construction or expansion of a parks or recreational facilities. Because the project is a senior living assisted facility with on-site recreational amenities and that Heritage Park, the project would not result in a substantial increase in the use of existing neighborhood and regional parks. Therefore, impacts to the use of existing neighborhood and regional parks would be less than significant.

Less than Significant Impact.

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

The project would include courtyards and other outdoor areas for the exclusive use of future residents. All of the proposed facilities would be included within the project development footprint and have been sufficiently analyzed within this Initial Study/Mitigated Negative Declaration. In addition, Heritage Park is located approximately 1 mile east of the Project site, so no additional parks will be needed to serve the project area

Less than Significant Impact.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XVII. TRANSPORTATION – Would the project:					
a)	Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b)	Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	☐	☐	☒	☐
c)	Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d)	Result in inadequate emergency access?	☐	☐	☒	☐

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Summerland Senior Living – Vehicle Miles Traveled (VMT) Evaluation (Appendix I).

a)	<i>Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</i> <i>Motor Vehicle Analysis</i> The project is proposing to construct a new three-story senior living facility with 109 units (79 assisted living units and 30 memory care units). The project's vehicle trip generation forecast is based upon trip generation rates obtained from the Institute of Transportation Engineers (ITE), <i>Trip Generation Manual, 10th Edition, 2017</i>. Trip generation rates were determined for daily trips and morning/evening peak hour trips for the proposed land use. The number of trips forecast to be generated by the proposed project is determined by multiplying the trip generation rates by the land use quantity.
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The project is forecast to generate 26 trips in the a.m. peak hour, 36 trips in the p.m. peak hour, and 359 daily trips. The project is forecast to generate 37 peak hour and 404 daily trips on Saturday, and 39 peak hour and 435 daily trips on Sunday. According to the County of San Bernardino Traffic Impact Study Guidelines (April 2014), the requirement to prepare a traffic impact study is based upon, but not limited to, one or more of the following criteria: • If a project generates 100 or more trips without consideration of pass-by trips during any peak hour. • If the project is located within 300 feet of the intersection of two streets designated as Collector or higher in the County's General Plan or the Department's Master Plan, or (an) impacted intersection as determined by the Traffic Division. • The project creates safety or operational concerns. If a project generates less than 100 trips without consideration of pass-by trips during any peak hour, a focused study may still be required if there are special concerns. The project is forecast to generate 26 trips in the a.m. peak hour 36 trips in the p.m. peak hour. Because the project is forecast to generate fewer than 100 peak hour trips and it is not located within 300 feet of an intersection of two streets designated as Collector or higher. (Chino Avenue is classifies as a Major Arterial but it does not intersect with another street classifies as a Collector or higher within 300 feet of the project site) Roadway improvements will be constructed to the satisfaction of the Public Works Department, there are no apparent safety or operational concerns with implementation of the project. Therefore, the project was not required to prepare a traffic impact study. Based on the low volume of traffic trips, it is not anticipated that the project would impact the performance of the circulation system related to motor vehicles. Transit Service Analysis Omnitrans, a public transit agency serves the project area. Omnitrans provides bus service through Route 365 in the area but the route does not pass along Serenity Trail adjacent to the project site andthe project is not proposing to construct any improvements that would interfere with any future bus service along Serenity Trail. Bicycle & Pedestrian Facilities Analysis The project is proposing to construct a drive approach and install landscaping/fences/walls along Serenity Trail and construct a sidewalk along the entire frontage to the south and then to connect to Chino Avenue. Pedestrian access will be facilitated with the construction of these improvements. In addition, bicycle parking will be provided on the project site. Therefore, the project will not conflict with an applicable plan, ordinance or policy applying to non-motorized travel. Impacts are less than significant.
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	Less Than Significant Impact.												
b)	<i>Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?</i> CEQA Guidelines Section 15064.3 (b) describes specific considerations for evaluating a project's transportation impacts. Generally, vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts. For purposes of this section, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. The project is forecast to generate 26 trips in the a.m. peak hour, 36 trips in the p.m. peak hour, and 359 daily trips. The project is forecast to generate 37 peak hour and 404 daily trips on Saturday, and 39 peak hour and 435 daily trips on Sunday. The County of San Bernardino <i>Transportation Impact Study Guidelines (July 9, 2019)</i> requires a Transportation Impact Study (TIS) if a project generates 100 or more trips without consideration of pass-by trips during any peak hour. Since the trip generation of the project is less than 100 trips during any peak hour, a TIS was not required. <i>VMT Analysis</i> The VMT analysis was evaluated consistent with the County Guidelines and include VMT thresholds which state that a project should be considered to have a significant impact if the project VMT per person/employee is greater than 4% below the existing VMT per person/employee for the unincorporated County. In addition, the San Bernardino County Transportation Analysis Model (SBTAM) was used to calculate the VMT for the project and County of San Bernardino. Table 13 shows the home-based-work VMT for the County of San Bernardino, as well as the home-based-work VMT for the project. Table 13. VMT Calculations from SBTAM <table><tr><th>Trip Generator</th><th>Total Homebased/Work VMT (miles)</th><th>Total Employees</th><th>VMT per Employee</th></tr><tr><td>Project</td><td>774</td><td>35</td><td>22.1</td></tr><tr><td>County of San Bernardino</td><td>5,154,554</td><td>212,001</td><td>24.3</td></tr></table> As shown in Table 13, the per employee VMT (VMT per capita) for the County of San Bernardino is 24.3 miles per day. Based on the County threshold, the project will have a significant impact if the per capita VMT is greater than 23.3 miles per day (4% below). The project VMT is 22.1 miles per day, which is less than the 4% threshold of 23.3 miles per day. Therefore, the project will have a less than significant impact under the County of San Bernardino VMT thresholds.	Trip Generator	Total Homebased/Work VMT (miles)	Total Employees	VMT per Employee	Project	774	35	22.1	County of San Bernardino	5,154,554	212,001	24.3
Trip Generator	Total Homebased/Work VMT (miles)	Total Employees	VMT per Employee										
Project	774	35	22.1										
County of San Bernardino	5,154,554	212,001	24.3										

	Less Than Significant Impact.
c)	<i>Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i> The project is proposing to construct a drive approach and install landscaping/fences/walls along Serenity Trail and construct a sidewalk along the entire frontage to the south and then to connect to Chino Avenue. The construction of the drive approach is required to meet County Standards. The project is proposing to construct a new three-story senior living facility with 109 units (79 assisted living units and 30 memory care units) with a semi subterranean parking garage. Since the surrounding area is developed with residential uses, the project will not increase hazards due to introducing incompatible uses (e.g., farm equipment) to the area. Less Than Significant Impact
d)	<i>Would the project result in inadequate emergency access?</i> The project will not result in inadequate emergency access, because the project will provide two (2) driveway approaches along Serenity Trail per County standards. The required off-site improvements to will improve access to the site and allow for improved emergency access to the site. Less Than Significant Impact.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
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XVIII. TRIBAL CULTURAL RESOURCES

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

- | | | | | | |
|-----|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| i) | Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | ☐ | ☐ | ☐ | ☒ |
| 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 © of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision © of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? | ☐ | ☒ | ☐ | ☐ |

SUBSTANTIATION:

San Bernardino County General Plan, 2007; Cultural Historical Resources Information System (CHRIS), South Central Coast Information Center, California State University, Fullerton; Submitted Project Materials, Cultural Resources Assessment (Appendix C).

- ai) ***Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?***

Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or have a historically significant style, design, or achievement. Damaging or demolition of historic resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and indirect impacts, such as a change in the setting of a historic resource.

CEQA Guidelines §15064.5(a) clarifies that historical resources include the following:

- 1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.*
- 2. A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements [of] section 5024.1(g) of the Public Resources Code.*
- 3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.*

On February 11, 2016, the South Central Coastal Information Center (SCCIC) at California State University, Fullerton conducted a record search of previously documented cultural resources and cultural resource surveys and studies conducted on the property and within half mile radius of the subject property. No historical resources pursuant to §15064.5 have been previously recorded within the project site. The project site was also examined for the presence of any cultural resources, including prehistoric or historic archaeological sites or historic buildings. No historical resources pursuant to §15064.5 were discovered.

As such, there will be no impact with respect to historical resources as a result of the project and no mitigation measures are required.

No Impact.

- a ii) ***Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision © of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision © of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?***

Tribal Cultural Resources are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Senate Bill (SB) B18

Because the project involves a General Plan Amendment, the requirements of SB 18 apply. SB18 requires local agencies to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process, thereby providing tribes an opportunity to participate in local land use decisions at an early planning stage. SB 18 notification was initiated for this project as required by SB18.

Assembly Bill (AB) B52

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project.

Results of Consultation

As a result of the AB52 and SB18 consultation process, the Gabrieleño Band of Mission Indians-Kizh Nation indicated that there is a possibility that Tribal Cultural Resources may be encountered. The following mitigation measure is required.

Mitigation Measure TCR-1: Tribal Cultural Resources.

Retain a Native American Monitor/Consultant:

Prior to the issuance of a grading permit, the Project Applicant shall be required to agree to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including

construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

Unanticipated Discovery of Tribal Cultural and Archaeological Resources:

Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and

Public Resources Code Sections 21083.2(b) for unique archaeological resources:

Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin 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, they shall be offered to a local school or historical society in the area for educational purposes.

Unanticipated Discovery of Human Remains and Associated Funerary Objects:

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

those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.

Resource Assessment & Continuation of Work Protocol:

Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner.

Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

Kizh-Gabrieleno Procedures for burials and funerary remains:

If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures 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 burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains 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.

Treatment Measures:

Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure

completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

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

Professional Standards: Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

Less Than Significant Impact With Mitigation Incorporated

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:					
a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☒	☐	☐
b)	Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e)	Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

SUBSTANTIATION:

County of San Bernardino General Plan 2007; Submitted Project Materials.

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

The Project would require the relocation or construction of the following facilities:

Water

The project will construct an 8-inch water line that will connect to an existing water line located at the intersection of Serenity Drive and Hillview Drive South and to an existing water line located on Serenity Trail to the east of the project site.

Wastewater Treatment

The project proposes the use an on-site wastewater treatment system (OWTS) for wastewater treatment. The OWTS is a compact and efficient recirculating packed-bed filter. It consists of sturdy, watertight fiberglass tanks that incorporate recirculation-blend and discharge tankage in a single module. Each complete, pre-manufactured unit also includes pumping systems, ventilation, and a lightweight, highly absorbent, engineered textile media that treats the wastewater to meet discharge requirements.

Storm Drainage

The site runoff will be directed to an on-site detention basin which is located in the southeast corner of the site. Runoff from the north and east driveways, roofs, and the center court yard will be collected by catch basins #1 (CB#1) and directed to the proposed on-site detention basin through storm drain Line A. Runoff from the south side planter areas and building roofs will be collected by CB#2, #3, and #4 and drain to the proposed on-site detention basin through storm drain Line B. The overflow after detention in the basin will be discharged to a proposed 24" storm drain Line D and conveyed to an existing 36" storm drain in the Chino Avenue. The offsite run-on from the development to the north of the project site will enter the proposed concrete v-ditch along the north and east property line and conveyed to storm drain Line D.

Electric Power

The project will connect to the existing Southern California Edison electrical distribution facilities available near the project site.

Natural Gas

The project will connect to the existing Southern California Gas natural gas distribution facilities near the project site.

Conclusions

The installation of the above-described facilities as proposed by the project would result in physical impacts to the surface and subsurface of the project site. These impacts are considered to be part of the project's construction phase and are evaluated throughout this Initial Study/Mitigated Negative Declaration. In instances where significant impacts have been identified, Mitigation Measures have been required to reduce impacts to less-than-significant levels. Accordingly, additional measures beyond those identified throughout this Initial Study/Mitigated Negative Declaration would not be required.

Less Than Significant Impact With Mitigation Measures AR-1, CR-1, GEO-1, NOI-1 through NOI-4, and TCR-1 Incorporated

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

The Inland Empire Utilities Agency currently provides water service to the project area through the Monte Vista Water District (MVWD). The MVWD currently has 12 active groundwater wells with a combined capacity of approximately 28.2 million gallons per day (mgd). The MVWD's retail water distribution system is comprised of four pressure zones, 198 miles of pipelines, six reservoirs, seven booster stations, three hydrogenerators, and six emergency interconnections with neighboring water agencies.

The MVWD is dependent on four sources for its long-term water supply:

- Groundwater produced from the Chino Groundwater Basin, an adjudicated basin managed by the Chino Basin Watermaster;
- Imported State Water Project surface water received from the Metropolitan Water District of Southern California (MWD) through the Inland Empire Utilities Agency (IEUA) and the Water Facilities Authority (WFA);
- Entitlement water deliveries from San Antonio Water Company (SAWCO), including groundwater produced from local adjudicated groundwater basins and surface water produced from the San Antonio Creek Watershed; and,
- Recycled water from IEUA.

Water use for the project was estimated by using The California Emissions Estimator Model (CalEEMod). The model can be used to estimate water usage for analysis in CEQA documents. The Project is estimated to have a water demand of 11.67 million gallons per year (or 31,972 gallons per day).

Based on the Monte Vista Water District – 2015 Urban Water Management Plan (updated June 2016), MVWD can expect its available supplies to significantly exceed anticipated demands over the 25-year planning period. As a result of these surplus supplies, MVWD should not experience any problems in meeting its demands during normal, single, or multiple dry-year periods over the next 25 years. As such, the project will have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.

Less Than Significant Impact.

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

Wastewater is proposed to be treated by an on-site wastewater treatment system (OWTS). The project will generate 13,000 gallons per day of wastewater and the OWTS

is designed to accommodate 25,177 gallons per day of wastewater. The OWTS is designed to meet the requirements of the Santa Ana Regional Water Quality Control Board. Therefore, the project will not 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.

No Impact.

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

Construction Waste

Waste generated during the construction phase of the project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities. The California Green Building Standards Code ("CALGreen"), requires all newly constructed buildings to prepare a Waste Management Plan and divert construction waste through recycling and source reduction methods. The County of San Bernardino, Department of Public Works, Solid Waste Management Division reviews and approves all new construction projects required to submit a Waste Management Plan. Mandatory compliance with CALGreen solid waste requirements will ensure that construction waste impacts are less than significant.

Operational Waste

Waste generated during the operation of the project is estimated to be 100.38 tons per year based on the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model which can be used to estimate solid waste generation rates for various types of land uses for analysis in CEQA documents.

Solid waste generated in the project area is generally transported to the transported to the El Sobrante Landfill, located in the City of Corona. According to the Cal Recycle Facility/Site Summary Details website accessed on September 1, 2019, the El Sobrante Landfill has a remaining capacity of 143,977,170 cy and is not anticipated to reach capacity until 2051. As such, the project will not 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.

Less Than Significant Impact.

- e) ***Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

The California Integrated Waste Management Act established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the Act established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted. Per the requirements of the Integrated Waste Management Act, the San Bernardino County Board of Supervisors adopted the *County of San Bernardino Countywide Integrated Waste Management Plan* which outlines the goals, policies, and programs the County and its cities will implement to create an integrated and cost effective waste management system that complies with the provisions of California Integrated Waste Management Act and its diversion mandates.

The project operator(s) will be required to coordinate with the waste hauler to develop collection of recyclable materials for the Project on a common schedule as set forth in applicable local, regional, and State programs. Recyclable materials that would be recycled by the commercial facility include paper products, glass, aluminum, and plastic.

Additionally, the project's waste hauler would be required to comply with all applicable local, State, and Federal solid waste disposal standards, thereby ensuring that the solid waste stream to the landfills that serve the facility are reduced in accordance with existing regulations.

No Impact.

<i>Issues</i>		<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant</i>	<i>No Impact</i>
XX. WILDFIRE: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
<i>SUBSTANTIATION: Add justification (FRAP Maps)</i>					
<i>County of San Bernardino General Plan 2007; Submitted Project Materials.</i>					

- a-d)
- a) ***Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?***
 - b) ***Would the project 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?***
 - c) ***Would the project 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?***
 - d) ***Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?***

A wildfire is a nonstructural fire that occurs in vegetative fuels, excluding prescribed fire. Wildfires can occur in undeveloped areas and spread to urban areas where the landscape and structures are not designed and maintained to be ignition resistant. A wildland-urban interface is an area where urban development is located in proximity to open space or "wildland" areas. The potential for wildland fires represents a hazard where development is adjacent to open space or within close proximity to wildland fuels or designated fire severity zones. Steep hillsides and varied topography within portions of the City also contribute to the risk of wildland fires. Fires that occur in wildland-urban interface areas may affect natural resources as well as life and property. The California Department of Forestry and Fire Protection (Cal Fire) has mapped areas of significant fire hazards in the state through its Fire and Resources Assessment Program (FRAP). These maps place areas of the state into different fire hazard severity zones (FHSZ) based on a hazard scoring system using subjective criteria for fuels, fire history, terrain influences, housing density, and occurrence of severe fire weather where urban conflagration could result in catastrophic losses. As part of this mapping system, land where Cal Fire is responsible for wildland fire protection and generally located in unincorporated areas is classified as a State Responsibility Area (SRA). Where local fire protection agencies, such as Chino Valley Fire Authority (CVFD), are responsible for wildfire protection, the land is classified as a Local Responsibility Area (LRA). Cal Fire does not currently identifies the project site as an SRA.

In addition, the County has mapped areas that are susceptible to wild land fires within the Fire Hazard Overlay. The Fire Hazard Overlay is derived from areas designated in high fire hazard areas in the General Plan and locations derived from the California Department of Forestry, U.S. Forest Service, and the County Fire Department. According to Hazard Map FH28B, the Project site is not located within in or near lands classified as very high fire hazard severity zones.

No Impact.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant	No Impact
XXI. MANDATORY FINDINGS OF SIGNIFICANCE:				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
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)?	☐	☒	☐	☐
c) Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

- 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?***

In instances where significant impacts have been identified, Mitigation Measures GEO-1 and TCR-1 are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts which would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

Less Than Significant Impact With Mitigation Incorporated.

- b) ***Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?***

The Proposed Project would result in potentially significant project-specific impacts to air quality, cultural resources, paleontological resources, noise, and tribal cultural resources. In instances where these impacts have been identified, Mitigation Measures AR-1, CR-1, GEO-1, NOI-1 through NOI-4, and TCR-1 are required to reduce impacts to less than significant levels. In addition, future development in the surrounding area may impact these resources as well. However, implementation of the mitigation measures outlined in this document, and other CEQA documents for development projects in the area, will help reduce potential impacts to less than significant levels or to the maximum extent feasible. Therefore, Project does not have impacts that are cumulatively considerable.

Less Than Significant Impact With Mitigation Incorporated.

- c) ***Does the project have environmental effects, which would cause substantial adverse effects on human beings, either directly or indirectly?***

In instances where impacts have been identified, Mitigation Measures NOI-1 through NOI-4 are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts which will cause substantial adverse effects on human beings, either directly or indirectly.

Less Than Significant Impact With Mitigation Incorporated.

XVIII MITIGATION MEASURES.

(Any mitigation measures which are not 'self-monitoring' shall have a Mitigation Monitoring and Reporting Program prepared and adopted at the time of project approval)

Mitigation Measure AIR-1: Limit Amount of Soil Import and Export. Prior to the issuance of a grading permit, the following note shall be included on the grading plan:

"Limit the amount of material imported or exported to the site to forty (40) truckloads per day or less during the site preparation and grading phase of construction."

Mitigation Measure CR-1: Inadvertent Discoveries. Prior to the issuance of a grading permit, the following note shall be included on the grading plan:

"1. In the event that pre-contact 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 the Secretary of the 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 the assessment period."

2. If significant pre-contact resources, as defined by CEQA (as amended 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly."

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) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050"

Mitigation Measure GEO-1: Treatment of Previously Unidentified Paleontological Resources. Prior to the issuance of a grading permit, the following note shall be included on the grading plans:

"If previously unidentified paleontological resources are unearthed during construction activities, construction work in the immediate area of the find shall be halted and directed away from the discovery until a qualified Paleontologist assesses the significance of the resource. The County of San Bernardino Land Use Services Department shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be historically significant according to CEQA (CEQA Guidelines Section 15064.5 (a)). The plan shall include, but not be limited to:

1. Preparation of recovered specimens to a point of identification and permanent preservation including washing of sediments to recover small invertebrates and vertebrates."

2. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. The paleontologist must

have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impact to significant paleontological resources is not complete until such curation into an established repository has been fully completed and documented.

3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the County Land Use Services Department-Current Planning along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources."

Mitigation Measure NOI-1: Construction Noise. Prior to the issuance of a grading permit and building permit, the following note shall be placed on the grading plans and building plans.

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

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

c. The construction contractor shall limit all construction-related activities that would result in high noise levels between the hours of 7:00 a.m. and 6:00 p.m., Monday through Saturday excluding holidays.

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

e. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings."

Mitigation Measure NOI-2: Rooftop Equipment. Prior to the issuance of a building permit the following note shall be placed on the building plans.

"Mitigation Measure NOI-2: Rooftop Equipment. Locate all rooftop mechanical equipment as far away from neighboring residential properties as possible, and not less than 100 feet from property line, and provide a 5-foot parapet wall along rooftop to shield equipment."

Mitigation Measure NOI-3: Perimeter Wall. Prior to the issuance of a building permit the following note shall be placed on the building plans.

"Mitigation Measure NOI-3: Perimeter Wall. Install 6-foot masonry block sound wall along parcel boundary as measured from the highest adjacent grade."

Mitigation Measure NOI-4: Memory Garden Wall. Prior to the issuance of a building permit the following note shall be placed on the building plans.

“Mitigation Measure NOI-4: Memory Garden Wall. Install 6-foot masonry block sound wall around memory care garden.”

Mitigation Measure TCR-1: Tribal Cultural Resources.

Retain a Native American Monitor/Consultant:

Prior to the issuance of a grading permit, the Project Applicant shall be required to agree to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

Unanticipated Discovery of Tribal Cultural and Archaeological Resources:

Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a “historical resource” or “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and

Public Resources Code Sections 21083.2(b) for unique archaeological resources:

Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American

in origin 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, they shall be offered to a local school or historical society in the area for educational purposes.

Unanticipated Discovery of Human Remains and Associated Funerary Objects:

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

Resource Assessment & Continuation of Work Protocol:

Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner.

Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

Kizh-Gabrieleno Procedures for burials and funerary remains:

If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures 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 burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains 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.

Treatment Measures:

Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-

hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

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

Professional Standards: Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

GENERAL REFERENCES

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<https://www2.calrecycle.ca.gov/SWFacilities/Directory/>

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http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm

California Energy Commission, *Electricity Consumption by County*, 2017
<http://ecdms.energy.ca.gov/elecbycounty.aspx>

Census 2000 Urbanized Area Maps. <https://www.census.gov/geo/maps-data/maps/ua2kmaps.html>.

City of Chino, *General Plan 2025*,

https://www.cityofchino.org/city_hall/departments/community_development/planning/plans/general

City of Chino, *General Plan Environmental Impact Report January 25, 2010*,
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County of San Bernardino. 2007. *County of San Bernardino 2007 Development Code*.
<http://cms.sbcounty.gov/lus/Planning/DevelopmentCode.aspx>

County of San Bernardino. 2007. *County of San Bernardino 2007 General Plan*.
<http://cms.sbcounty.gov/lus/Planning/GeneralPlan.aspx>

County of San Bernardino Greenhouse Gas Emissions Reduction Plan, September 2011,
www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHGFull.pdf

County of San Bernardino Hazard Overlay Map FH27B.
<http://cms.sbcounty.gov/lus/Planning/ZoningOverlayMaps/HazardMaps.aspx>

Federal Emergency Management Agency, Flood Insurance Rate Maps, <https://msc.fema.gov>

South Coast Air Quality Management District, Final 2016 Air Quality Management Plan www.aqmd.gov

State of California, Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program.

PROJECT-SPECIFIC REFERENCES

Appendices: (Under Separate Cover or on Compact Disk)

- A. *Air Quality & Greenhouse Gas Analysis*, RK Engineering Group, Inc., January 17, 2017.
- B. *General Biological Resources Assessment*, RCA Associates, September 10, 2019.
- C. *Cultural Resources Assessment*, BCR Consulting LLC, September 2, 2016.
- D. *Updated Geotechnical Report*, EnGEN Corporation, August 15, 2017.
- E. *Preliminary Hydrology Report*, Huitt-Zollars, Inc., December 20, 2018.
- F. *Water Quality Management Plan*, EnGEN Corporation, February 20, 2016.
- G. *Feasibility of On-Site Sewage Disposal System*, Global Geo-Engineering, Inc., September 13, 2019.

- H. *Noise Impact Study*, RK Engineering Group, Inc., February 6, 2016.
- I. *Vehicle Miles Traveled (VMT) Evaluation*, Translutions, Inc., December 2, 2019.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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PROPOSAL NO.: LAFCO SC#478

HEARING DATE: FEBRUARY 16, 2022

RESOLUTION NO. 3345

A RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY MAKING DETERMINATIONS ON LAFCO SC#478 – CITY OF CHINO IRREVOCABLE AGREEMENT TO ANNEX FOR SEWER SERVICE (APN 1023-011-51)

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 February 16, 2022 at the time and place specified in the notice of public hearing; and,

WHEREAS, at the hearing, this Commission heard and received all oral and written protests; and all persons present were given an opportunity to hear and be heard in respect to any matter relating to the contract, in evidence presented at the hearing;

NOW, THEREFORE, BE IT RESOLVED, that the Local Agency Formation Commission for San Bernardino County does hereby determine, find, resolve and order as follows:

RESOLUTION NO. 3345

DETERMINATIONS:

SECTION 1. The following determinations are noted in conformance with Commission policy:

1. The project area, Assessor Parcel Number 1023-011-51, is within the sphere of influence assigned the City of Chino and is anticipated to become a part of that City sometime in the future.

Water service will be provided by the Monte Vista Water District.

The application requests authorization to receive City of Chino's sewer service for a proposed senior care (assisted living) facility. The Conditions of Approval placed upon this project includes the requirement to either connect to the City of Chino's sewer facilities or build an onsite wastewater treatment system. The property owner/developer has opted to connect to the City of Chino's sewer facilities. Therefore, approval of the City of Chino's request for authorization to provide sewer service is necessary in order to satisfy said conditions of approval for the project.

2. The City of Chino's Amended and Restated Covenant Agreement to Annex being considered is for the provision of sewer service to Assessor Parcel Number 1023-011-51. This contract will remain in force in perpetuity or until such time as the area will be annexed. Approval of this application will allow the property owner/developer and the City of Chino to proceed in finalizing the contract for the extension of sewer service.
3. The fees charged by the City of Chino for the extension of sewer service to the parcel are identified as totaling \$473,126 (a breakdown of charges is on file in the LAFCO office). This estimated total does not include the Inland Empire Utilities Agency Sewer Capacity Fee and an additional City Development Impact Fee, which are to be determined at a later date.
4. During the period from March 2020 to July 2020, acting as the CEQA Lead Agency, the County of San Bernardino, as a function of its review for a General Plan Amendment and Conditional Use Permit for a 3-story residential care facility consisting of 109 units on approximately 3.16 acres, prepared an environmental assessment and adopted a Mitigated Negative Declaration which indicates that approval of the project will not have a significant adverse impact on the environment through its development under the Conditions of Approval that has been prepared for the proposed project. The County's Initial Study and Mitigated Negative Declaration have been reviewed by the Commission's staff and Environmental Consultant who have found them to be adequate for the service contract decision.

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

RESOLUTION NO. 3345

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

SECTION 2. CONDITION. The City of Chino shall indemnify, defend, and hold harmless the Local Agency Formation Commission for San Bernardino County from any legal expense, legal action, or judgment arising out of the Commission's approval of this 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 Chino to provide sewer service to Assessor Parcel Number 1023-011-51.

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#478 – City of Chino Irrevocable Agreement to Annex for Sewer Service (APN 1023-011-51), has been approved.

THIS ACTION APPROVED AND ADOPTED by the Local Agency Formation Commission for San Bernardino County by the following vote:

AYES: **COMMISSIONERS:**

NOES: **COMMISSIONERS:**

ABSENT: COMMISSIONERS:

* * * * *

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, SAMUEL MARTINEZ, Executive Officer of the Local Agency Formation Commission for San Bernardino County, California, do hereby certify this record to be a full, true, and correct copy of the action taken by said Commission by vote of the members present as the same appears in the Official Minutes of said Commission at its regular meeting of February 16, 2022.

DATED:

SAMUEL MARTINEZ
Executive Officer

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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DATE: FEBRUARY 9, 2022

FROM: MICHAEL TUERPE, Senior Analyst



TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #9: Continued Monitoring from LAFCO 3231
(Countywide Fire Service Review) for Barstow Fire Protection District and
the City of Barstow (CONTINUED FROM THE NOVEMBER 17, 2021
MEETING)

RECOMMENDATION:

Staff recommends that the Commission:

1. Receive and file this report; and,
2. Cease monitoring of the City of Barstow and its subsidiary district, the Barstow Fire Protection District.

BACKGROUND:

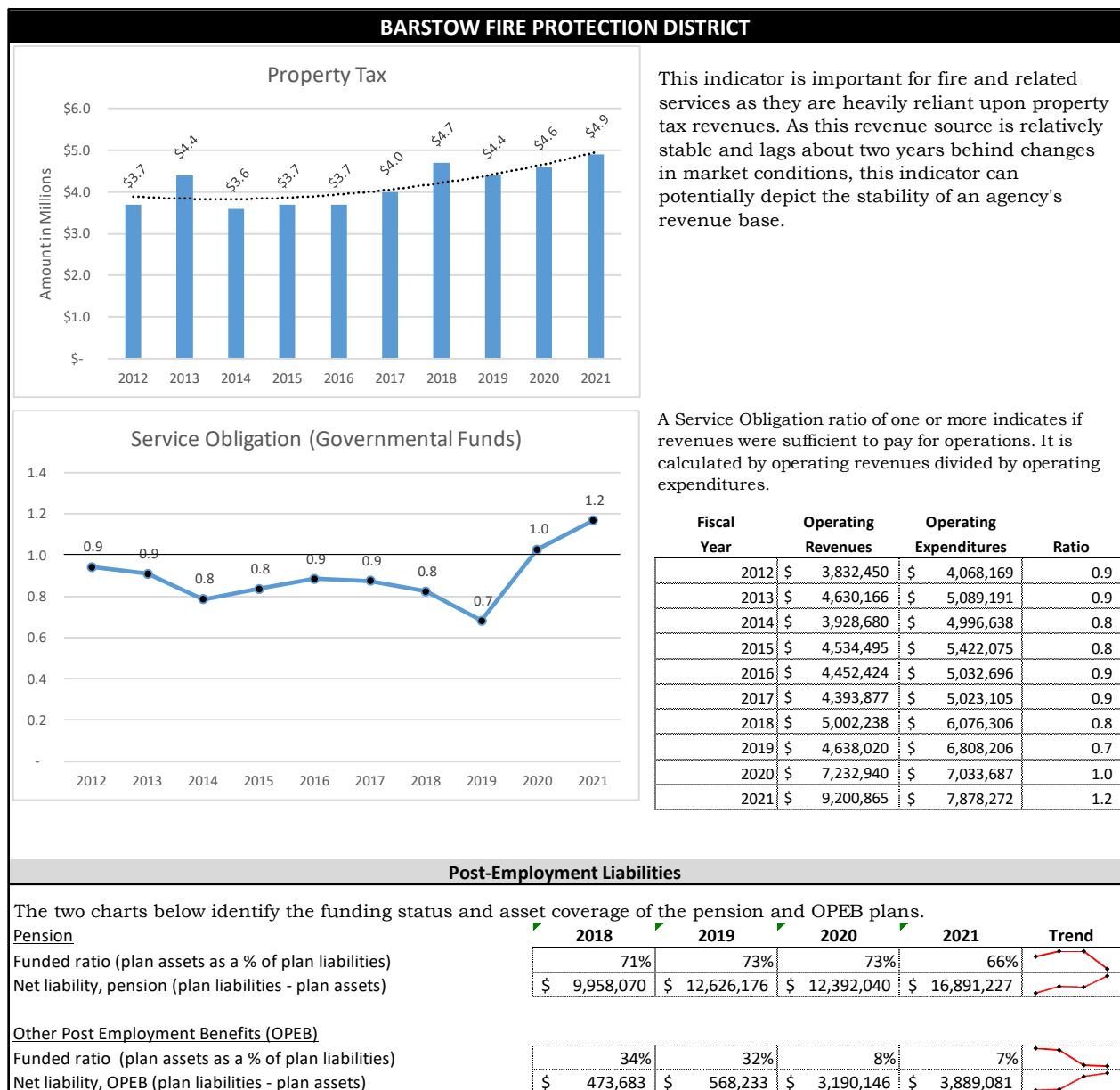
As an outgrowth from LAFCO's February 2020 Countywide Fire Service Review (LAFCO 3231), the Commission directed staff to continue to monitor the sustainability of the Barstow Fire Protection District and its parent agency, the City of Barstow. Staff provided the first update to the Commission in March 2021. Since that time, the City Council/Board of Directors have appointed new leadership at the City and Fire District.

The City successfully passed a local general sales tax ballot measure (Measure Q) on November 6, 2018 for public safety. Income from the new general sales tax measure began to be collected on April 1, 2019. The City received \$7.5 million from the sales tax measure in fiscal year 2020 and \$8.9 million in fiscal year 2021.

Sales tax revenue, excluding Measure Q, increased from \$6.1 million in fiscal year 2020 to \$7.5 million in fiscal year 2021, largely due to rebounding revenues from the downturn caused by the COVID-19 pandemic. The City's transient occupancy tax continues to be a major source of revenue for the City and came in at \$3.44 million for fiscal year 2021, up from \$2.85 million in fiscal year 2020. The City then passes a portion of the sales tax collections onto to the Fire District.

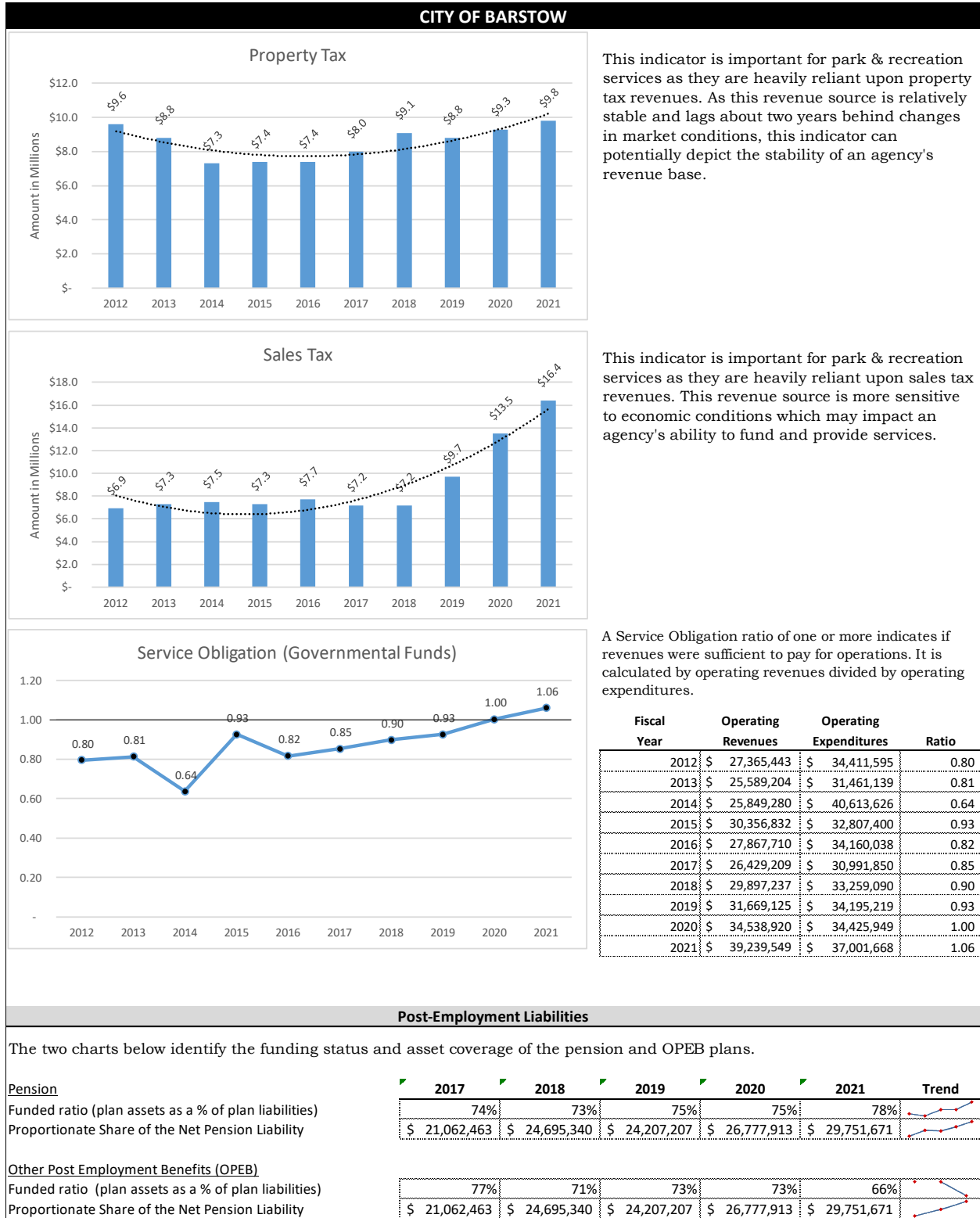
Fire District

On a cash basis, the District is doing much better. As shown in the figure below for Service Obligation (revenues over expenditures), after many years of a running deficit, FY 2020 and FY 2021 experienced adequate revenues to cover expenditures. However, its liabilities continue to present a challenge. First, Other Post-Employment Benefits (“OPEB”) increased sharply from 2019 to 2020, as well as significant increases to the Net Pension Liability. Second, the net change in fund balance for FY 2020/21 was an increase of \$1.3 million. This increase in fund balance reduced the accumulated fund deficit to \$5.0 million. The deficit relates to an interfund operating loan from the General Fund to the fire department. A plan of repayment has been adopted including annual payments of \$500 thousand which may be amended from time to time as warranted.



City

As shown in the figure below, after many years of a running deficit, beginning in FY 2020 robust sales tax collections have resulted in adequate revenues to cover expenditures.



Post-Employment Liabilities

The two charts below identify the funding status and asset coverage of the pension and OPEB plans.

Pension

Funded ratio (plan assets as a % of plan liabilities)
Proportionate Share of the Net Pension Liability

2017	2018	2019	2020	2021	Trend
74%	73%	75%	75%	78%	
\$ 21,062,463	\$ 24,695,340	\$ 24,207,207	\$ 26,777,913	\$ 29,751,671	

Other Post Employment Benefits (OPEB)

Funded ratio (plan assets as a % of plan liabilities)
Proportionate Share of the Net Pension Liability

2017	2018	2019	2020	2021	Trend
77%	71%	73%	73%	66%	
\$ 21,062,463	\$ 24,695,340	\$ 24,207,207	\$ 26,777,913	\$ 29,751,671	

CONCLUSION:

On a cash basis, the City and its subsidiary fire protection district have enjoyed two years of positive service obligation (revenues over expenditures). Staff's position is that the agencies' financial position does not warrant continued monitoring by LAFCO.

Staff recommends that the Commission cease monitoring of the City of Barstow and its subsidiary district, the Barstow Fire Protection District.

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DATE: FEBRUARY 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
MICHAEL TUERPE, Senior Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #10: Review and Consider Methods on Additional Contributions towards LAFCO's Net Pension Liability

RECOMMENDATION:

Staff recommends that the Commission budget for additional contributions to SBCERA in order to pay down the Commission's share of the pension plan's net pension liability by a static amount of \$50,000 beginning with the FY 2022-23 budget with annual increases tied to the CPI for the Riverside-San Bernardino-Ontario Region, not to exceed 3%.

BACKGROUND:

At the previous Commission meeting during the audit presentation, staff stated that it would return with an item to address the increasing net pension liability (NPL).

GASB ("Governmental Accounting Standards Board") 68 mandates that starting with the June 30, 2014 audit, an agency's share of the pension plan's liability be counted as a liability towards the agency's net position. At that time, SBCERA identified LAFCO's net pension liability ("NPL") as \$581,103. The following year the NPL increased by only \$3,628, followed by an increase of \$96,716 in FY 2014-15 (see Table 1). In response to the \$96,716 increase, in October 2014 the Commission adopted a policy creating a NPL reserve for future additional contributions to SBCERA and increased the reserve each year based on a 20-year amortization schedule (see Table 2).

It was not until 2019 that SBCERA adopted a mechanism to accept and account for additional contributions by member agencies. In June 2019, the Commission made its first additional contribution for a lump sum of \$184,963, thereby emptying its NPL Reserve. Since that time, the budget accounts for this payment as a line item, thus negating the need for the reserve (the FY 2021/22 budget identifies that the NPL reserve is no longer needed and that the reserve will be recommended for deletion at the next comprehensive Policy and Procedure Manual update).

Table 1. NPL History

<i>Pay Here</i>	<i>Reflect NPL Here</i>	Net Pension Liability			
Measurement (Budget) Year	Audit Year	LAFCO			
		Begin NPL	Actuary Increase	Additional Contribution	End NPL
2012/13	2013/14				581,103
2013/14	2014/15	581,103	3,628		584,731
2014/15	2015/16	584,731	96,716		681,447
2015/16	2016/17	681,447	87,726		769,173
2016/17	2017/18	769,173	95,787		864,960
2017/18	2018/19	864,960	20,287		885,247
2018/19	2019/20	885,247	273,317	(184,963)	973,601
2019/20	2020/21	973,601	273,739	(42,500)	1,204,840
2020/21	2021/22	1,204,840	TBD	(43,852)	TBD
2021/22	2022/23		TBD	(50,163)	TBD

As shown in Table 2, the NPL has increased 107%, or \$623,737 between 2012/13 and 2019/20. When the amortization schedule began, the initial contribution was \$26,318 (not counting the seed contribution). Each year the contribution amount increased, and for 2021/22 the schedule identifies \$50,163, an increase of 91% over the initial contribution. For 2022/23, the current schedule identifies a payment of \$85,448. This is due to the most recent actuary increase of \$273,739, while adhering to the schedule (loss of payment year).

Table 2. Current Amortization Schedule

Amortization Year	(Measurement) Budget Year	Additional Contribution	Notes	NPL
	2012/13			581,103
	2013/14			584,731
	2014/15	56,432	seed contribution	681,447
1	2015/16	26,318	begin amortization	769,173
2	2016/17	26,420	7,927	864,960
3	2017/18	31,353		885,247
4	2018/19	36,513	184,963	973,601
5	2019/20		42,500	1,204,840
6	2020/21		43,852	
7	2021/22		50,163	
8	2022/23		85,448	
9	2023/24		85,448	
10	2024/25		85,448	
11	2025/26		85,448	
12	2026/27		85,448	
13	2027/28		85,448	
14	2028/29		85,448	
15	2029/30		85,448	
16	2030/31		85,448	
17	2031/32		85,448	
18	2032/33		85,448	
19	2033/34		85,448	
20	2034/35		85,448	
	TOTAL REMAIN		1,204,840	

DISCUSSION:

The current amortization schedule is not sustainable as the additional contribution amounts have increased each year. The next contribution is for \$50,163, scheduled for June 2022. Staff's position is that the budget can accommodate this amount, but that a significant increase above this amount would be challenging. The scheduled amount of \$85,448 for FY 2022-23 presents such a challenge.

Table 3 presents options for Commission consideration to address the NPL. Options 2 and 3 will result in amounts that are too large for the budget to handle and would not be sustainable, based on the current NPL and trajectory. Further, Option 2 is based on the NPL at this time. The figure will not be static and is likely to increase. Therefore, the schedule would need adjustment each year with an increasing contribution.

Staff's position is that Option 1 provides budget certainty while mitigating the NPL increases. As a starting point for discussion, the current NPL contribution of \$50,163 for 2021/22 is 4.3% of Total Expenditures. As a similar percentage to 4.3%, the literature recommends a minimum of 5% of expenses marked for reserves for functions that are not hard infrastructure because 5% is manageable. Applying 5% to the current budget calculates to \$57,675. In relation to the overall budget, the variance in these figures is not material; therefore, use of these figures as a starting point is adequate.

Next for consideration is whether the amount begins as a static amount (with or without CPI increase) or as a percent of the budget. Since Option 1d would fluctuate, a static amount provides greater budget certainty. However, an annual increase to account for inflation is appropriate (Options 1b and 1c). The Commission's budget practice includes two CPI factors. The first is CPI not to exceed 3%, which is marked to salaries and benefits, legal counsel contract, office lease agreement, and Fee Schedule. All other applicable items are marked to the actual CPI.

Table 3. Options

OPTION	PROS	CONS
1a. Static amount	• Certainty in the budget	• In many years, it will not cover the annual increase in the NPL
1b. Static amount to increase with the inflation factor #1 in the budget (CPI)	• See 1a Above • Accounts for inflation	• See Above
1c. Static amount to increase with the inflation factor #2 in the budget (CPI not to exceed 3%)	• See 1b Above	• See Above
1d. Percent of budget (e.g. 5%)	• Some certainty in the budget • Accounts for inflation	• See above • Variable, yet reasonable • Would have to set a ceiling or exclude one-time activity

2. Reset the amortization schedule	• Some certainty in the budget	• Currently we use this option; the NPL is a moving and currently increasing target • Payment years decrease while NPL increases • Needs annual adjustment • Not sustainable at this time
3. Annual increase in the NPL	• Matches the annual NPL increase	• Still need a one-time infusion to cover the current NPL • Lacks certainty in the budget as the amount fluctuates • The apportionment will have to cover the payment, much coming from the medium to small independent districts • Not sustainable at this time

CONCLUSION:

Recognizing that there are no perfect options, staff's recommendation is for the Commission to budget for additional contributions to SBCERA in order to pay down the Commission's share of the pension plan's NPL by choosing Option 1c: Static amount of \$50,000 beginning with the FY 2022-23 budget with annual increases tied to the CPI for the Riverside-San Bernardino-Ontario Region, not to exceed 3%.

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

DATE: FEBRUARY 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
HANNAH LARSEN, LAFCO Analyst
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #11: Review and Accept the 2021 Mapping of the Disadvantaged Unincorporated Communities for San Bernardino County

RECOMMENDATION:

Staff recommends that the Commission:

1. Approve the updated maps showing the 2021 Disadvantaged Unincorporated Communities for cities/towns;
2. Direct the Executive Officer to provide the Disadvantaged Unincorporated Communities maps to each of the respective City/Town Managers and the LAFCO contact for each city/town; and,
3. Direct staff to use the same methodology and the same 2021 data to generate the Disadvantaged Unincorporated Communities for sphere of influence updates pursuant to Government Code Section 56425(e)(5) and service reviews pursuant to Government Code Section 56430(a)(2), until the next data cycle is to be generated pursuant to Commission policy.

BACKGROUND:

In 2011, Governor Brown signed SB 244 that took effect on January 1, 2012. This legislation established various requirements for LAFCOs, cities, and counties related to Disadvantaged Unincorporated Communities (DUCs). A DUC is defined as an “inhabited territory” (with 12 or more registered voters) that has a median household income that is less than 80% of the statewide median household income as defined by Section 79505.5 of the Water Code (Government Code Section 56033.5). Three of these requirements pertain to LAFCO:

1. LAFCO law now requires that a city annexation proposal (greater than 10 acres) that is contiguous to a DUC cannot be approved without a companion application to annex said DUC, unless a prior annexation application of the same DUC area was received in the previous five years, or the Commission finds that based upon written evidence that a majority of the residents within the DUC are opposed to annexation (Section 56375[a][8][A through B]).
2. It also requires—for an update of a sphere of influence for a city/town or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire (on or after July 1, 2012)—that a written statement of the present and probable need for those services within the DUC must be reviewed and considered by the Commission (Section 56425[e][5]).
3. In addition, when conducting a service review, the Commission is also required to include the location of any DUC within or contiguous to the sphere of influence of an agency (Section 56430[a][2]).

Commission Policies on Disadvantaged Unincorporated Communities

In 2012, the Commission adopted policies on DUCs in order to implement the new DUC-related provisions. The Commission then amended its DUCs policy in 2016 to map out the DUCs every five years (in years ending in 1 and 6), rather than annually, in order to provide for a five-year certainty for those landowners and cities/towns that may be affected by the requirement to annex an adjacent DUC. The basis for using years ending in 1 (i.e. 2011, 2021, etc.) is to capture the Decennial Census that occurs the year prior (i.e. 2010/2020 Census), and using year ending in 6 would capture the available data halfway prior to the next Census. Below is the Commission's current policies on DUCS:

1. *LAFCO shall utilize the ESRI Community Analyst online, a web-based application, to develop the demographic data needed to define the “disadvantaged unincorporated community” as outlined in Government Code Section 56033.5. The data shall be developed and mapped every five years in years ending in 1 and 6 (for example 2011 and 2016) and made available on the LAFCO website. In addition, a community, as identified in this section, shall be defined as meaning an inhabited area that is comprised of no less than 10 dwellings adjacent or in close proximity to one another.*
2. *Based upon local circumstance the Commission determines that the requirement for imposition of subsection (A) of Government Code Section 56375(a)(8) setting forth the requirement for a supplemental annexation to the City of the disadvantaged unincorporated community shall be imposed as follows:*
 - a. *Valley and Mountain Cities – annexation greater than 10 acres*
 - b. *North and South Desert Cities – annexation greater than 25 acres*
3. *The Commission determines that no annexation required to be submitted pursuant to this section shall create an island or peninsula of unincorporated territory*

substantially surrounded by the City to which the annexation is proposed or the annexing city and an adjacent city.

4. *The Commission determines that in implementing subsection (B) (2), it shall consider written evidence of opposition to include an application for sphere of influence removal or petitions for creation of a new government which were unsuccessful.*

2016 Disadvantaged Unincorporated Communities

The 2016 version of the DUCs for all cities/towns are currently posted on the LAFCO website at: <http://www.sbclafco.org/Maps/DisadvantagedUnincorporatedCommunities.aspx>. The Commission's countywide service reviews for water, wastewater, fire protection and emergency medical services, and public cemetery districts included the same DUC information that was derived using the same methodology.

2021 Disadvantaged Unincorporated Communities

The new 2021 version of the DUCs have been prepared with the same methodology pursuant to the Commission's policy. Both the ESRI 2020 Population and Housing Estimates (block group level) data and the population data from the 2020 US Census Bureau were utilized to generate the new DUC information. The baseline 80% statewide median household income used for 2021 is \$60,188. This was derived from the statewide median household income of \$75,235 per the US Census Bureau's 2015-2019 American Community Survey data.

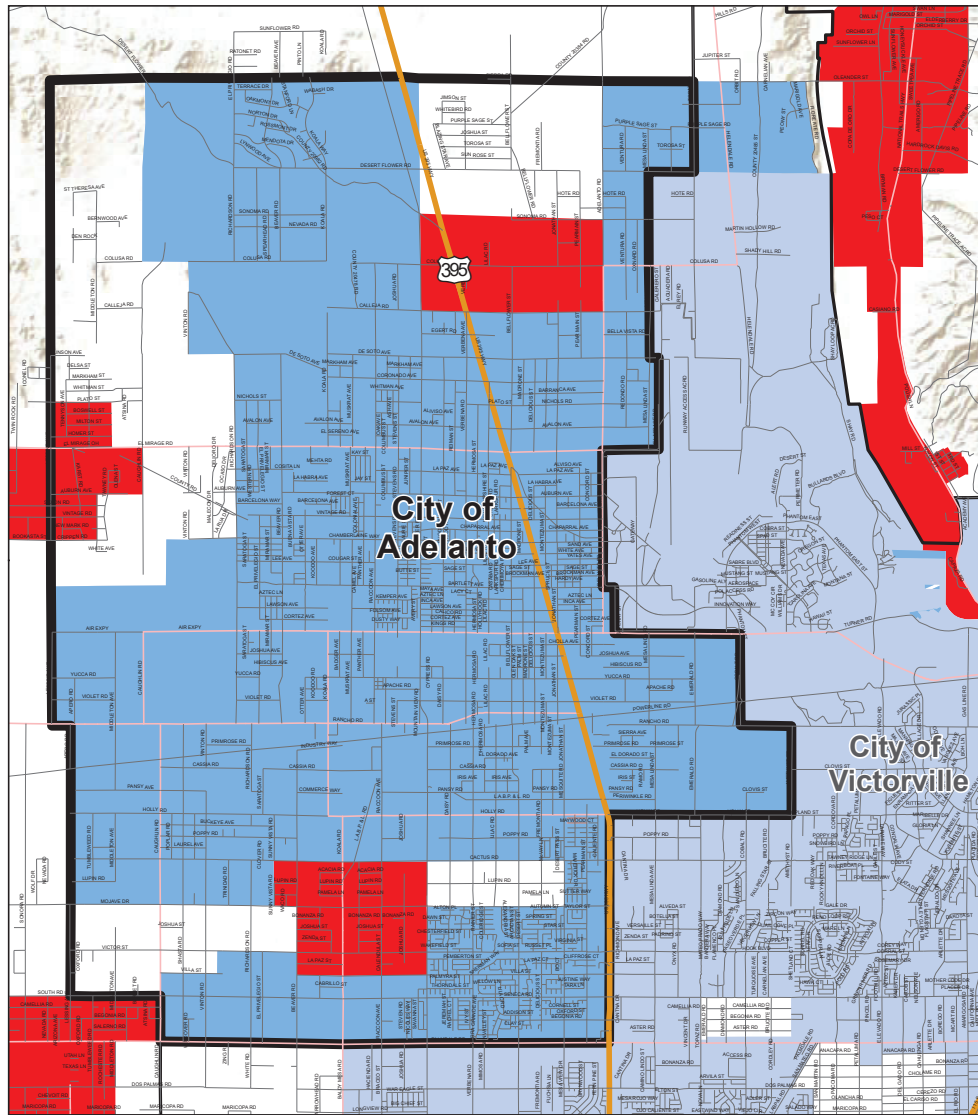
Attached to this staff report are the 2021 DUC maps for each of the cities/towns with a side-by-side comparison of the 2016 version.

CONCLUSION:

The Commission currently has policies related to the implementation of DUCs. Staff is recommending that the Commission accept the new DUC information and direct the Executive Officer to provide the respective information to all the cities and towns.

Attachments:

Side-by-side Comparison between the 2021 and 2016 Maps of Disadvantaged Unincorporated Communities Within and Contiguous to the Spheres of Influence for Each City/Town



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Adelanto

0 0.5 1 2 3 4 Miles

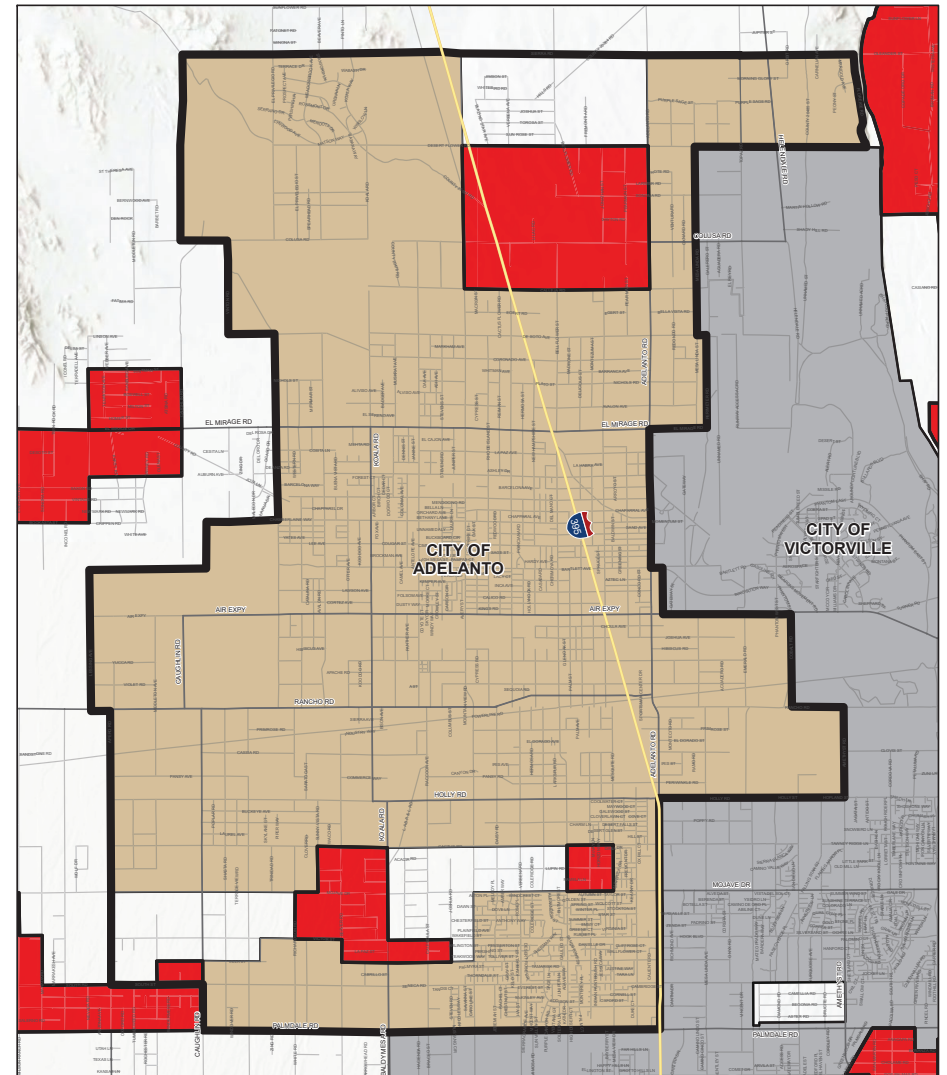
DUCs = Less than 80% of Statewide Median Household Income

Legend

- Disadvantaged Unincorporated Communities
- City of Adelanto
- Other City Boundaries
- City of Adelanto Sphere of Influence
- Other City Spheres of Influence



Map created: 12/20/2016



2021 Disadvantaged Unincorporated Communities (DUCs) City of Adelanto



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

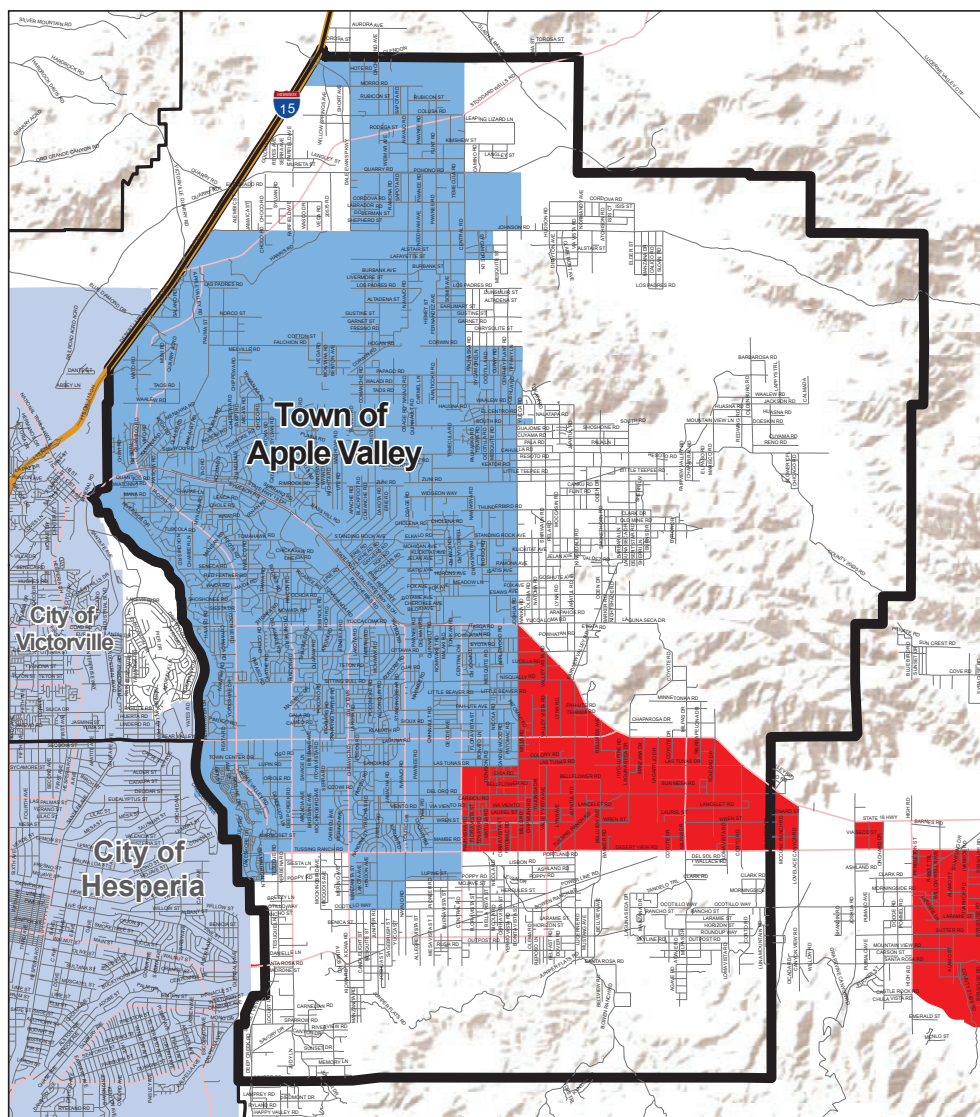
0 0.6 1.2 Miles

- DUCs
- City of Adelanto
- City of Adelanto Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — Town of Apple Valley

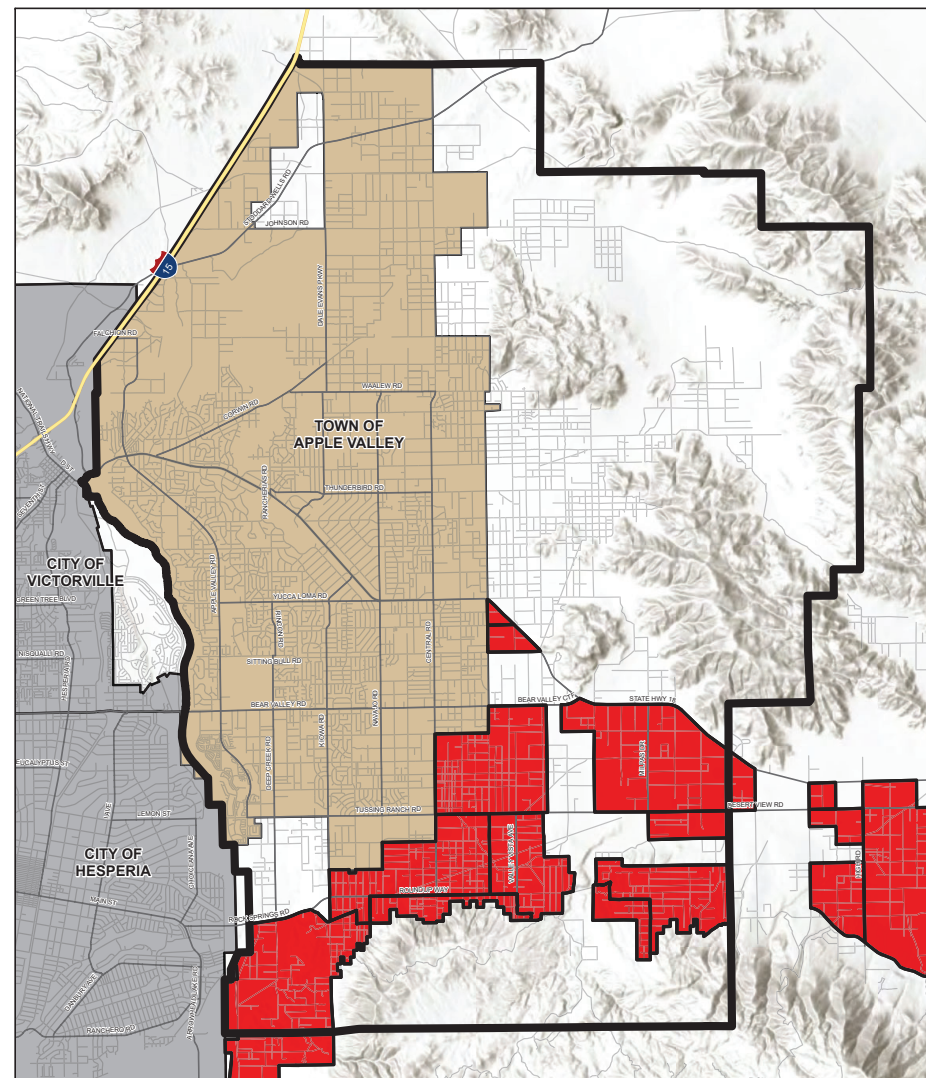


0 0.75 1.5 3 4.5 6 Miles

DUCs = Less than 80% of Statewide Median Household Income

Legend

- Disadvantaged Unincorporated Communities
- Town of Apple Valley
- Other City Boundaries
- Town of Apple Valley Sphere of Influence
- Other City Spheres of Influence



2021 Disadvantaged Unincorporated Communities (DUCs) Town of Apple Valley



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

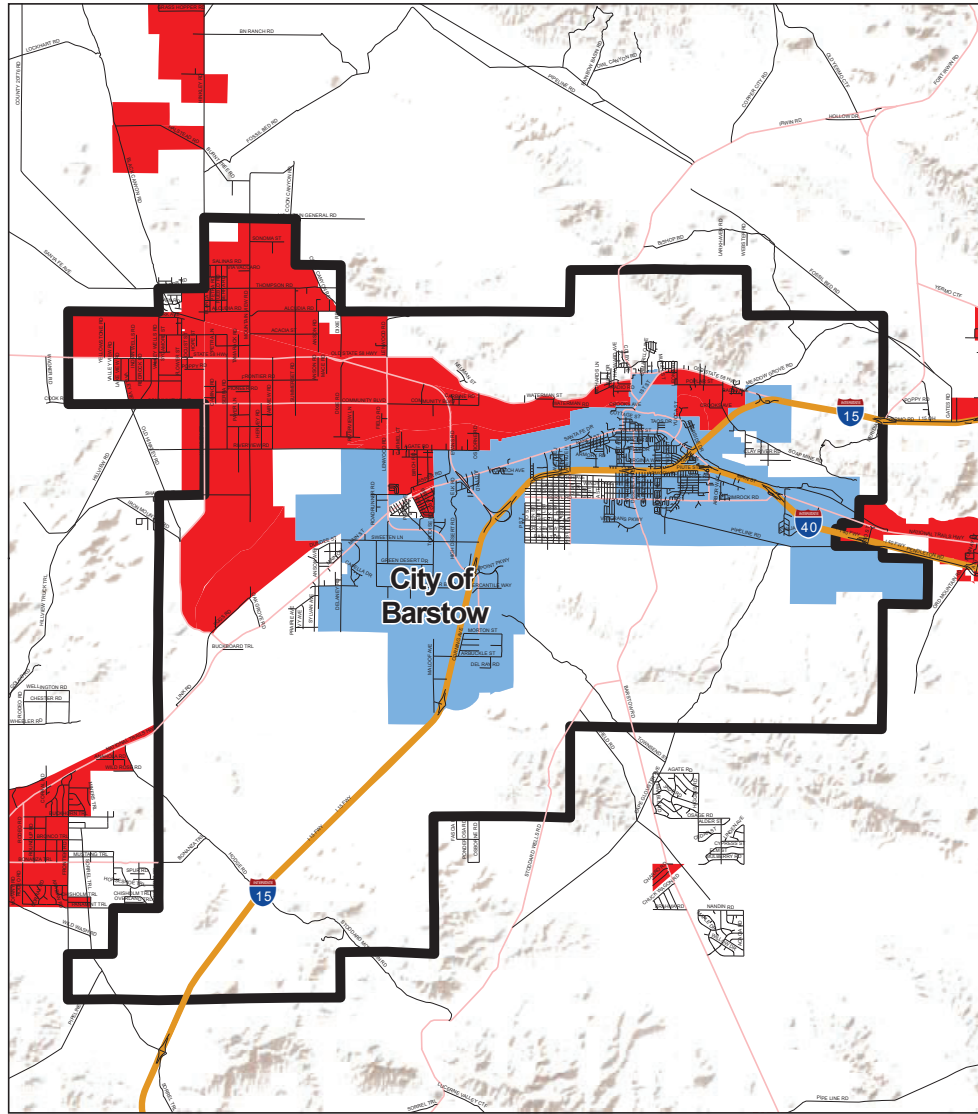
0 1 2 Miles

- DUCs
- Town of Apple Valley
- Town of Apple Valley Sphere of Influence

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Barstow



0 1 2 4 6 8 Miles

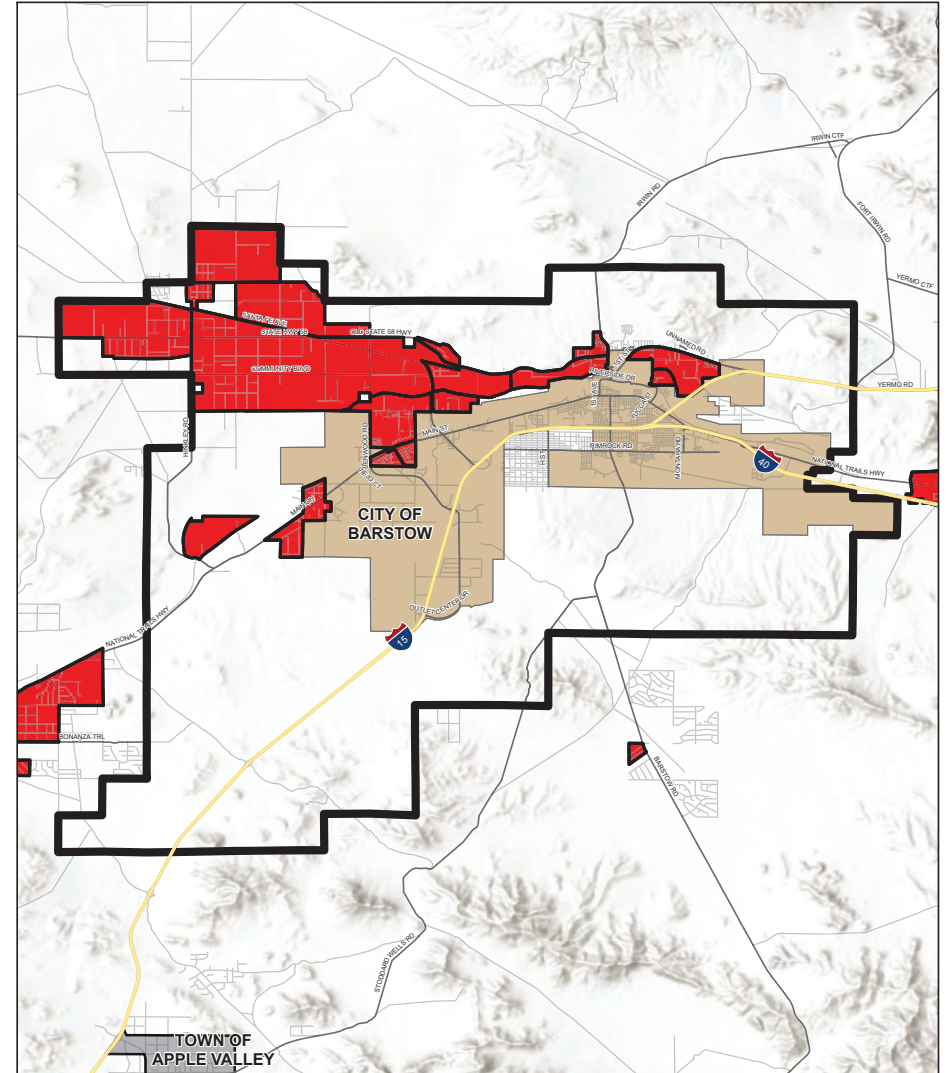


DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/20/2016

Legend

- City of Barstow Sphere of Influence
- City of Barstow
- Disadvantaged Unincorporated Communities



2021 Disadvantaged Unincorporated Communities (DUCs) City of Barstow



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

0 1.6 3.2 Miles

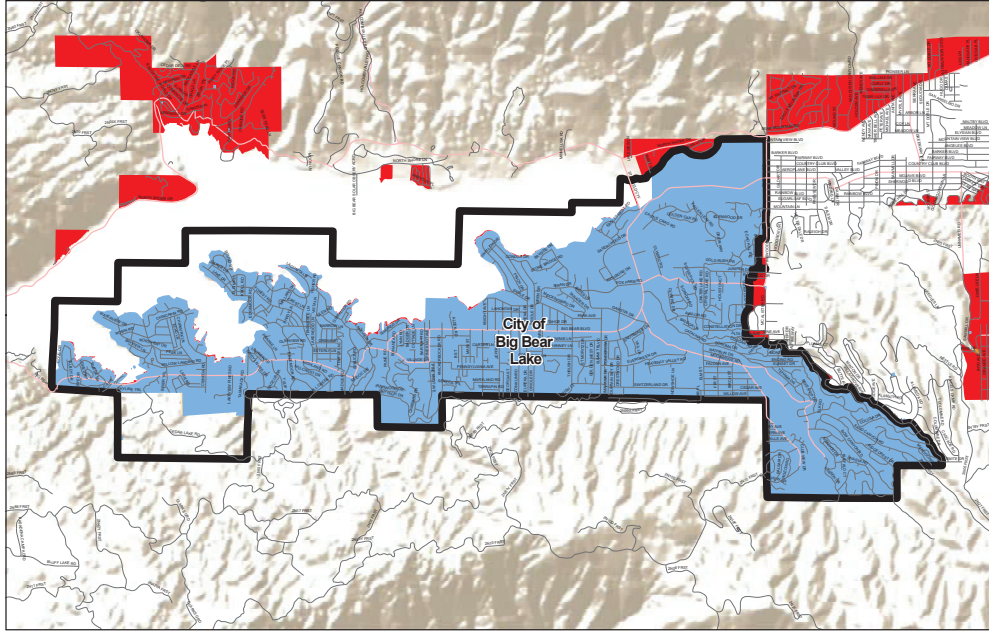


- DUCs
- City of Barstow
- City of Barstow Sphere of Influence

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Big Bear Lake



Map created: 12/20/2016

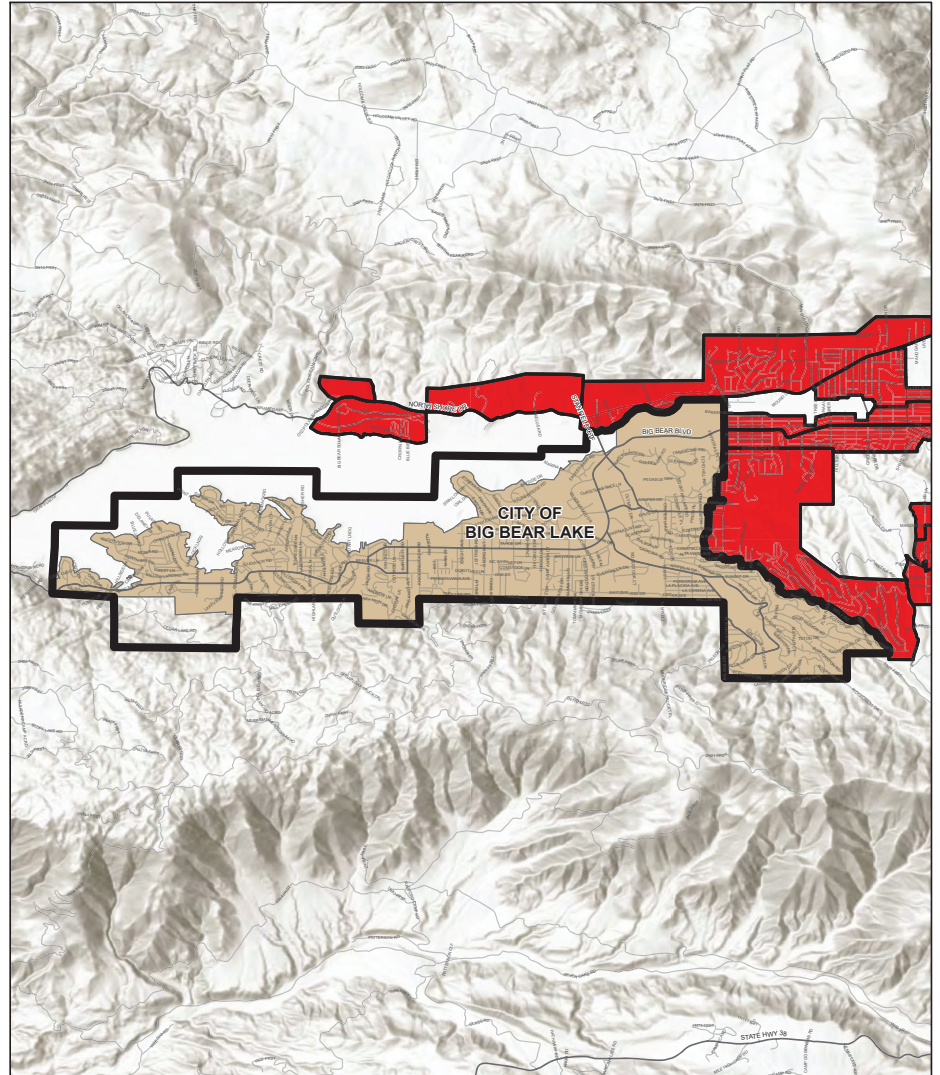
DUCs = Less than 80% of
Statewide Median
Household Income

0 0.25 0.5 1 1.5 Miles



Legend

- Disadvantaged Unincorporated Communities
- City of Big Bear Lake
- City of Big Bear Lake Sphere of Influence



2021 Disadvantaged Unincorporated Communities (DUCs) City of Big Bear Lake



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

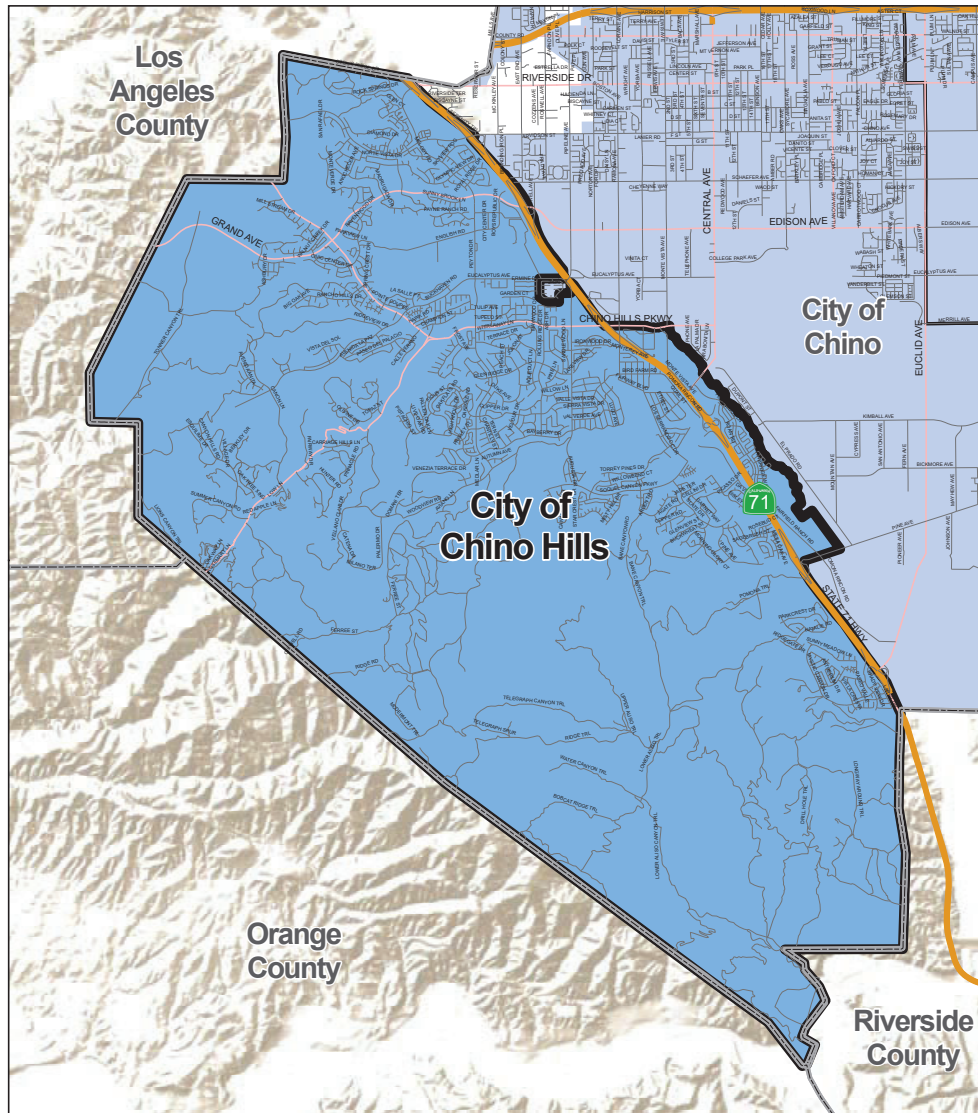
0 0.6 1.2 Miles



- DUCs
- City of Big Bear Lake
- City of Big Bear Lake Sphere of Influence

Disadvantaged unincorporated
communities are areas that have less
than 80% of the 2015-2019 California
statewide median household income
of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Chino Hills

Legend

- Disadvantaged Unincorporated Communities
- City of Chino Hills
- Other City Boundaries
- City of Chino Hills Sphere of Influence
- Other City Spheres of Influence
- County Line

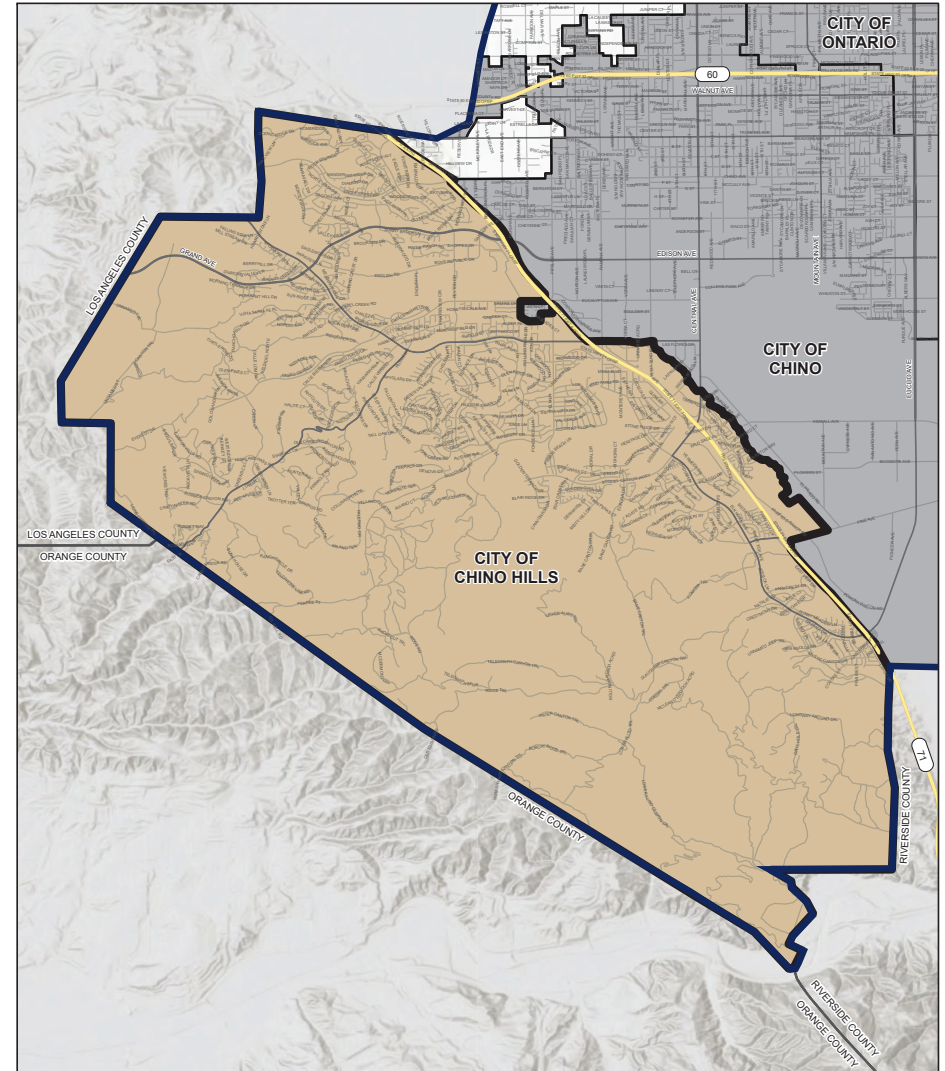


0 0.5 1 2 3 Miles



DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/20/2016



2021 Disadvantaged Unincorporated Communities (DUCs) City of Chino Hills

- DUCs
- City of Chino Hills
- City of Chino Hills Sphere of Influence
- County Line



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

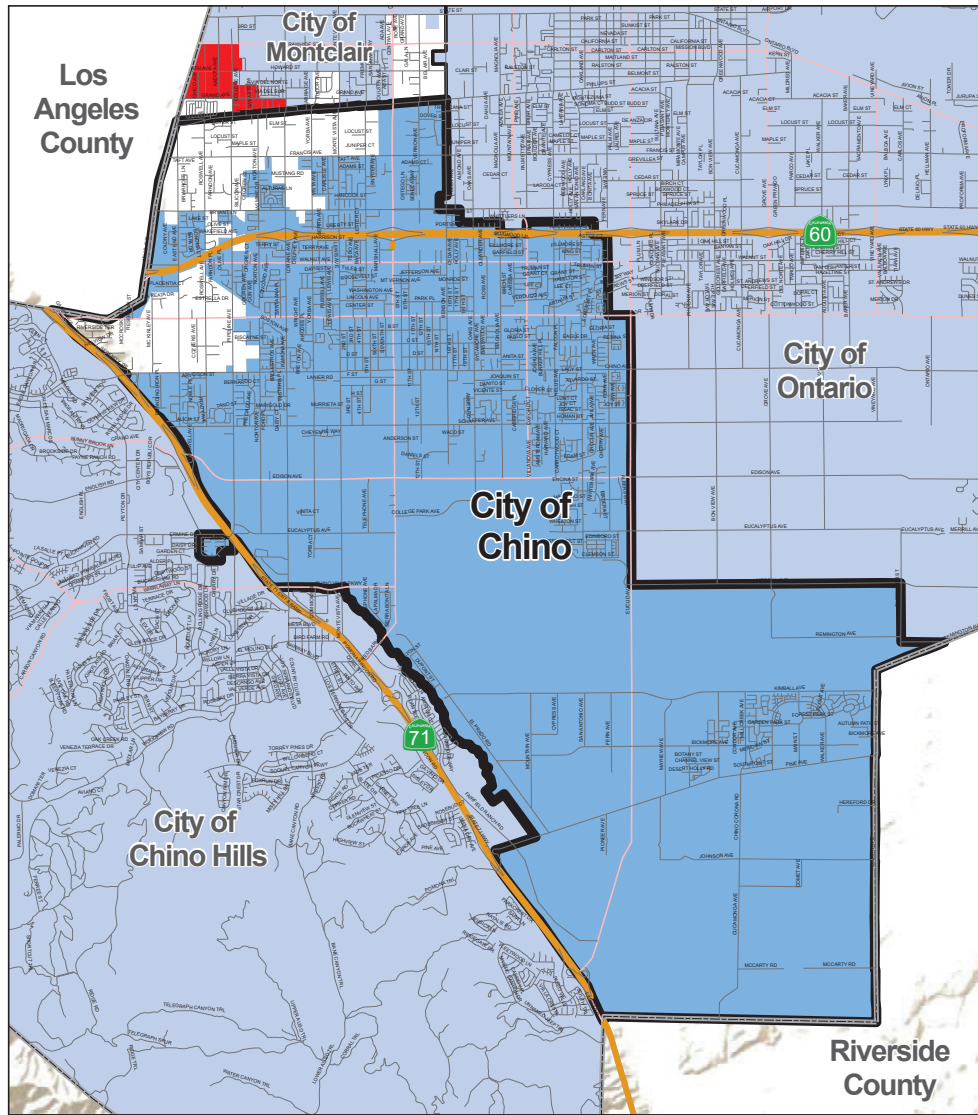
0 0.7 1.4 Miles



Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 03/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Chino

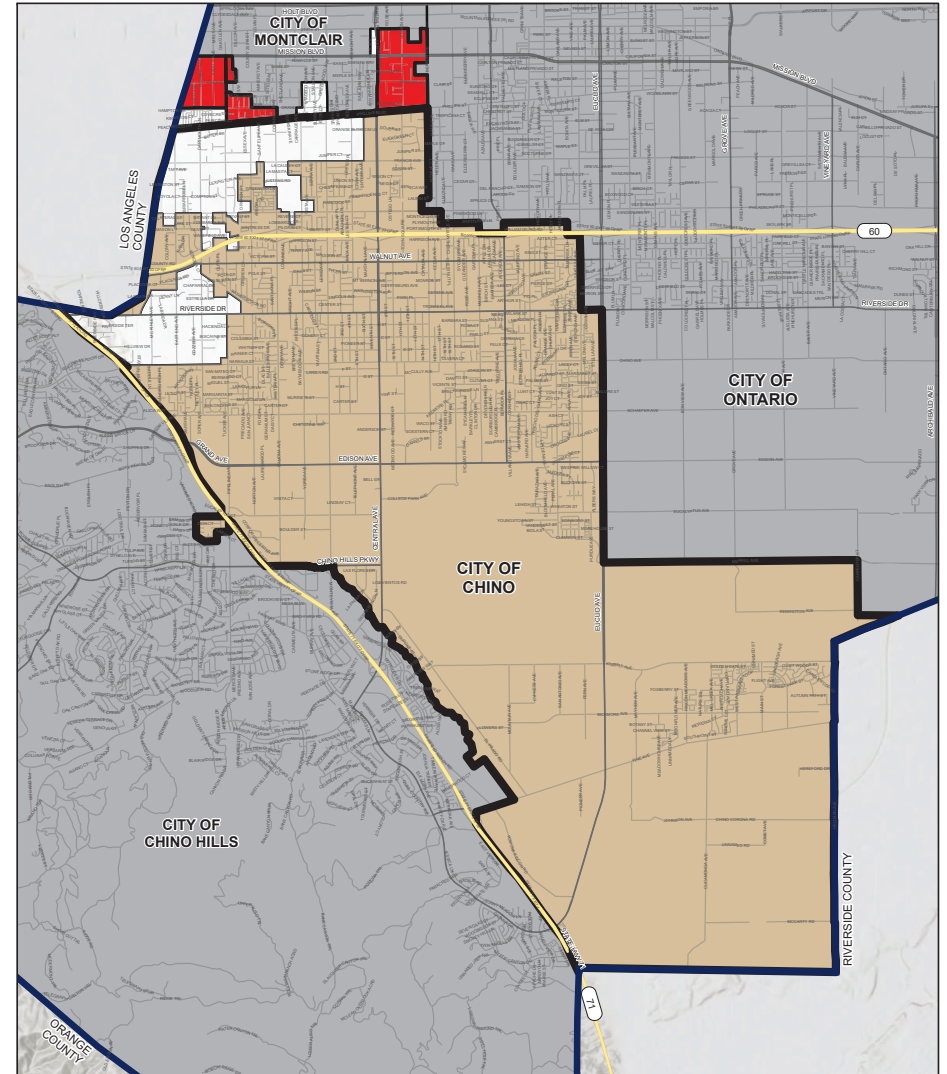
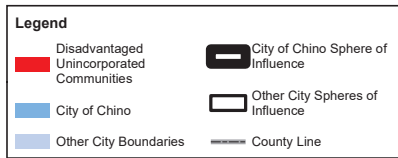


0 1,000 2,000 4,000 6,000 Yards



DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/19/2016

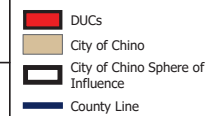


2021 Disadvantaged Unincorporated Communities (DUCs) City of Chino



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

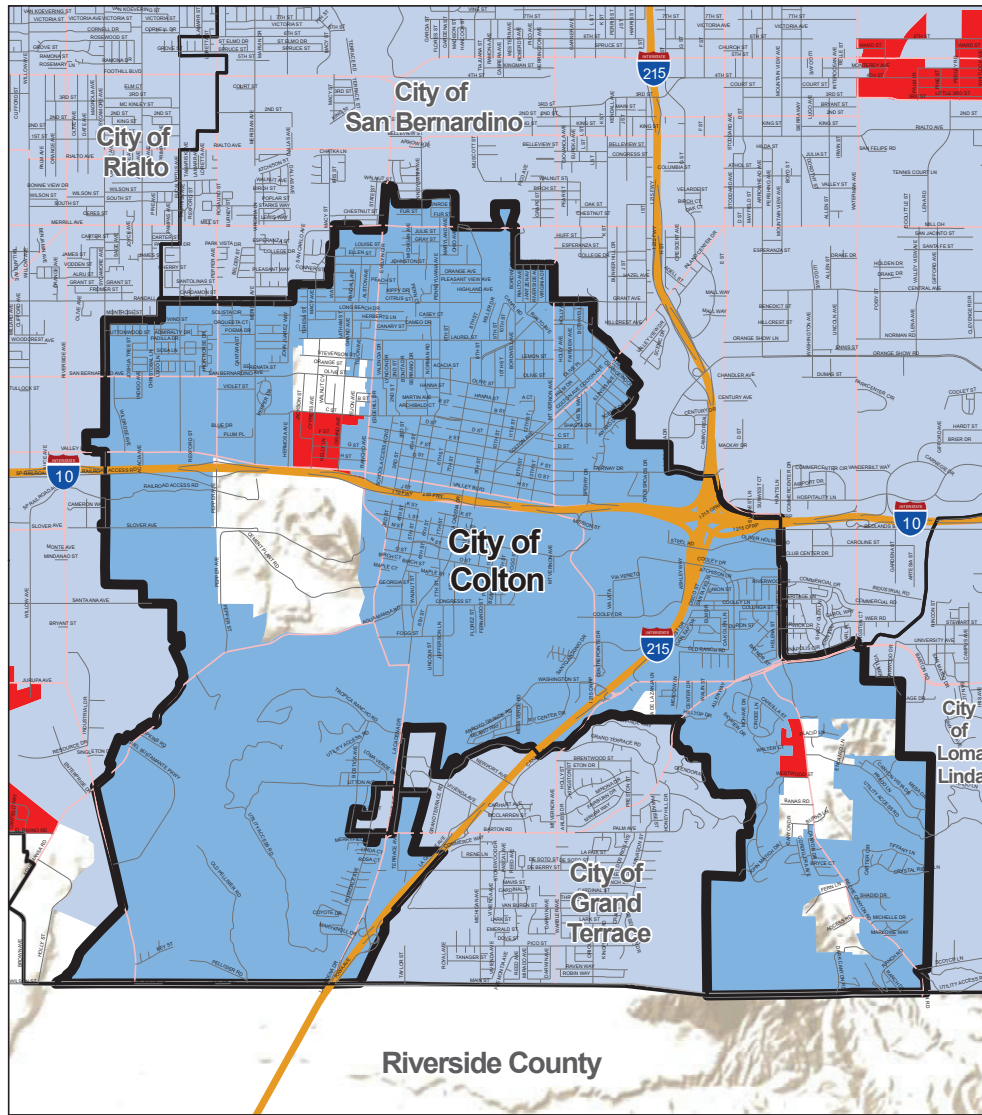
0 0.6 1.1 Miles



Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Colton

0 0.25 0.5 1 1.5 Miles

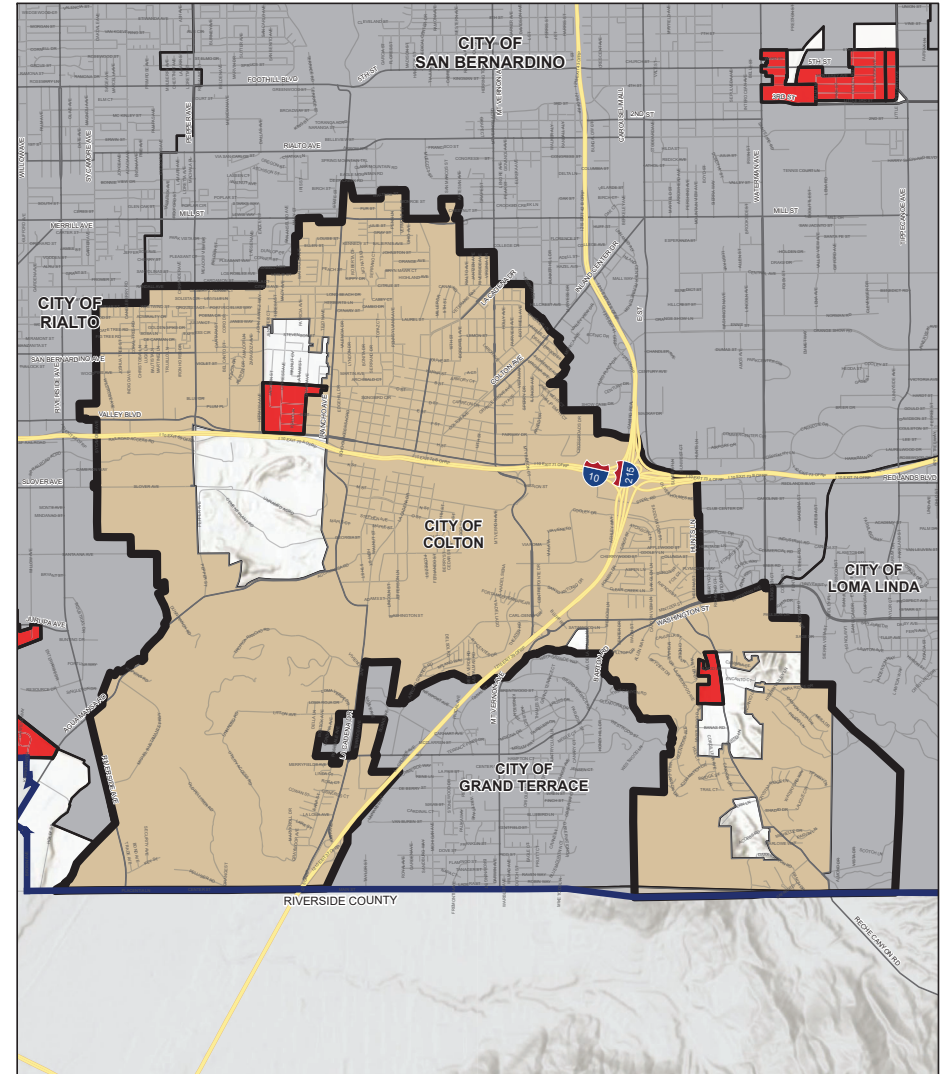


DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/19/2016

Legend

- Disadvantaged Unincorporated Communities
- City of Colton
- Other City Boundaries
- City of Colton Sphere of Influence
- Other City Spheres of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Colton



0 0.4 0.8 Miles

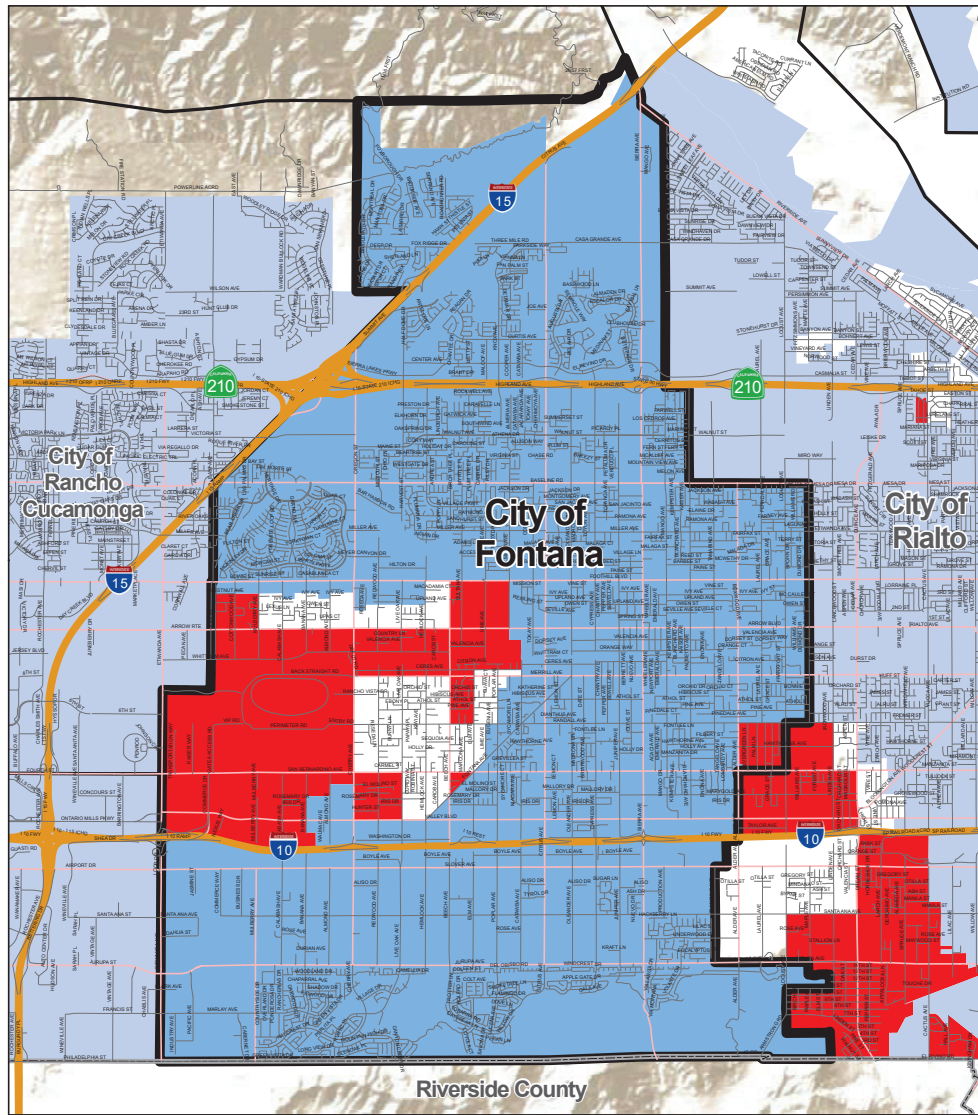
Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.

- DUCs
- City of Colton
- City of Colton Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 03/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Fontana



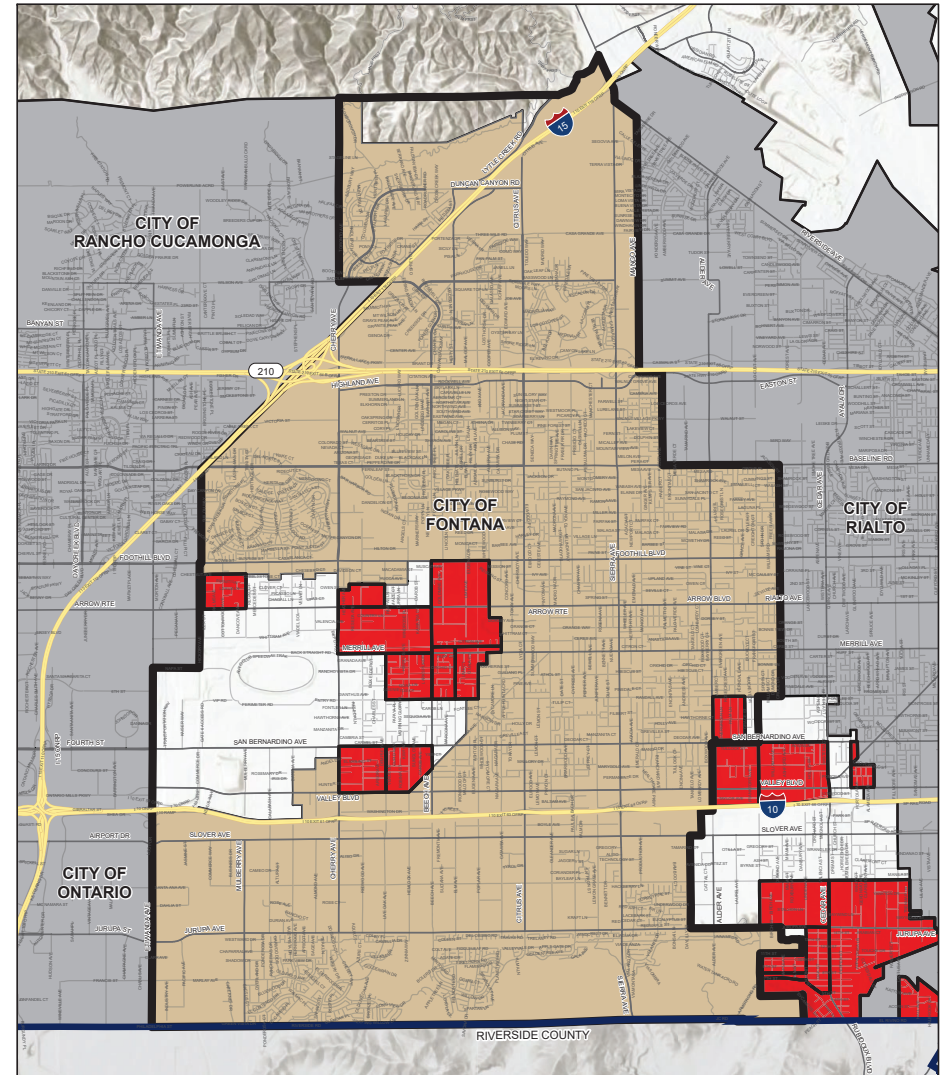
0 0.5 1 2 3 Miles

DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/19/2016

Legend

- Disadvantaged Unincorporated Communities
- City of Fontana
- Other City Boundaries
- City of Fontana Sphere of Influence
- Other City Spheres of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Fontana



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

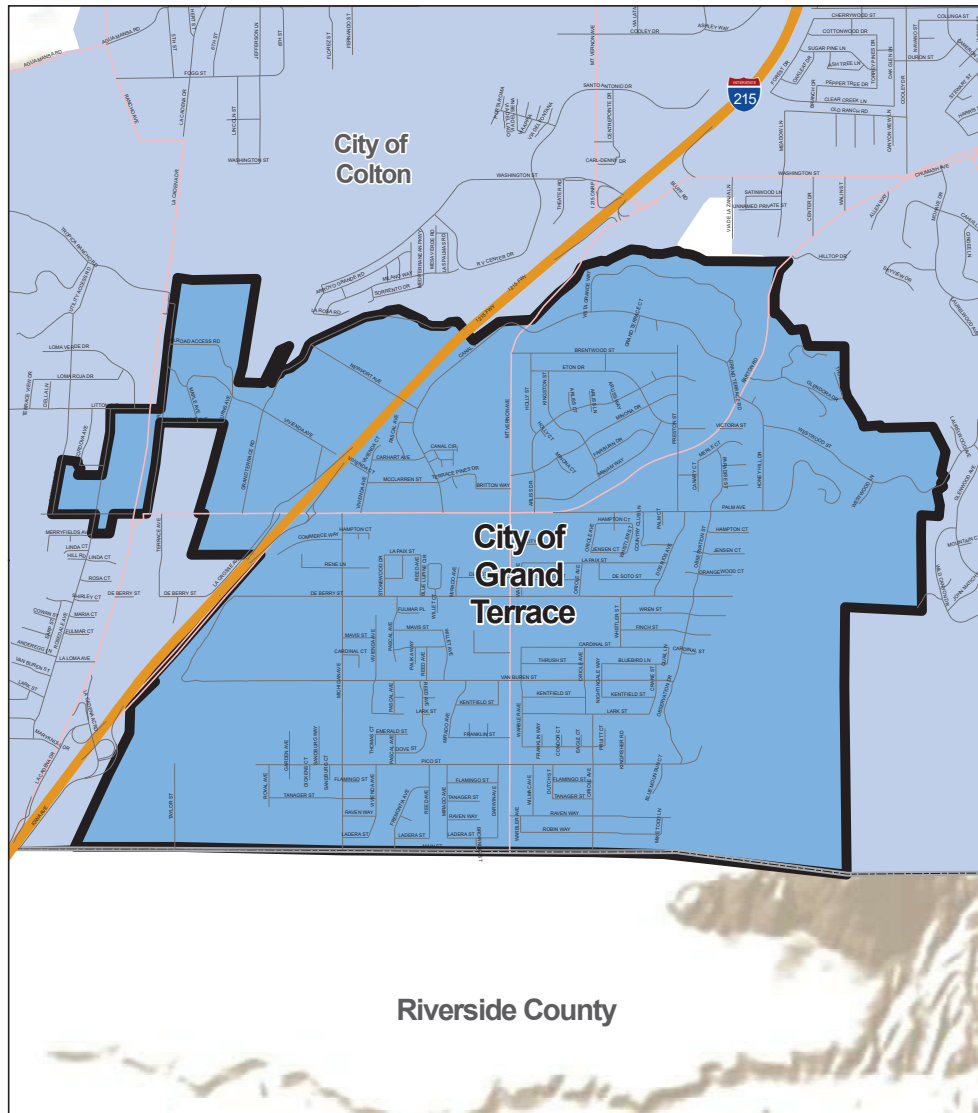
0 0.6 1.2 Miles

- DUCs
- City of Fontana
- City of Fontana Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Grand Terrace



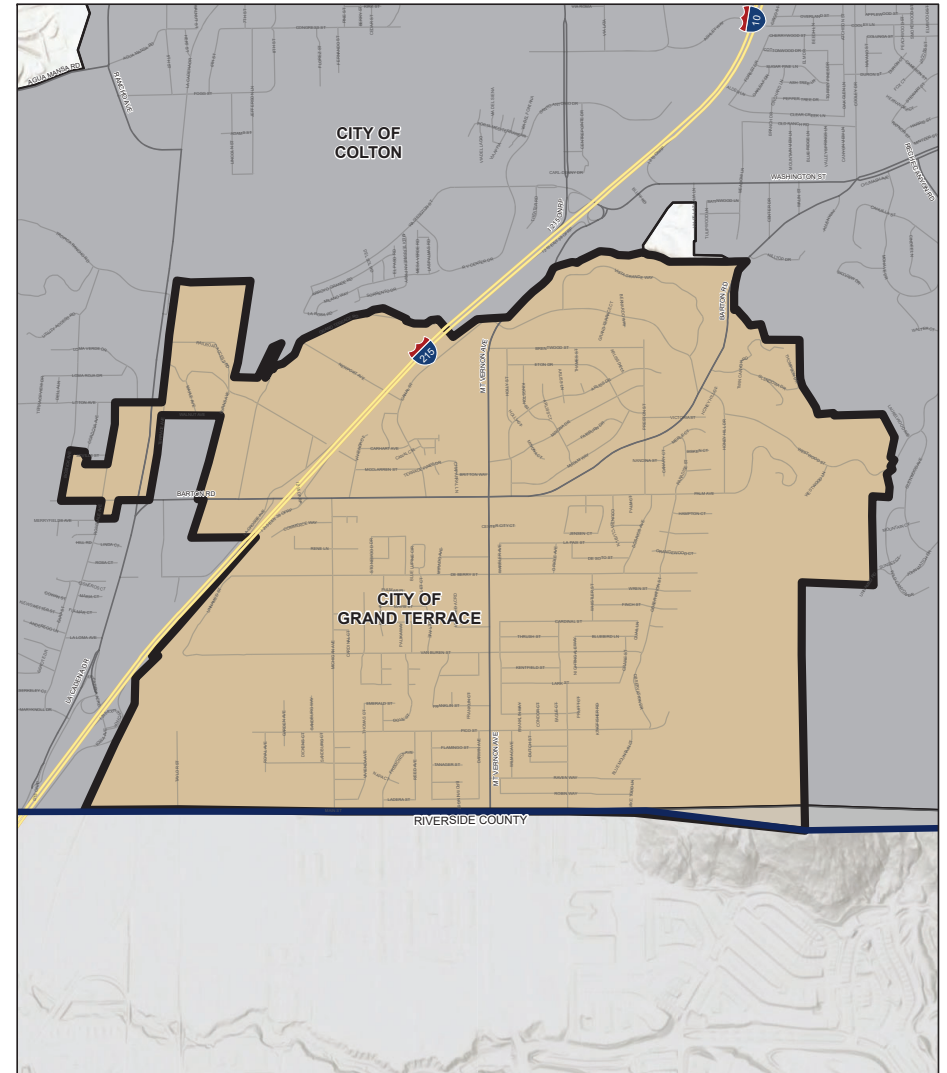
0 0.25 0.5 1 1.5 Miles

DUCs = Less than 80% of Statewide Median Household Income



Legend

- Disadvantaged Unincorporated Communities
- City of Grand Terrace
- Other City Boundaries
- City of Grand Terrace Sphere of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Grand Terrace



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

0 0.1 0.3 Miles

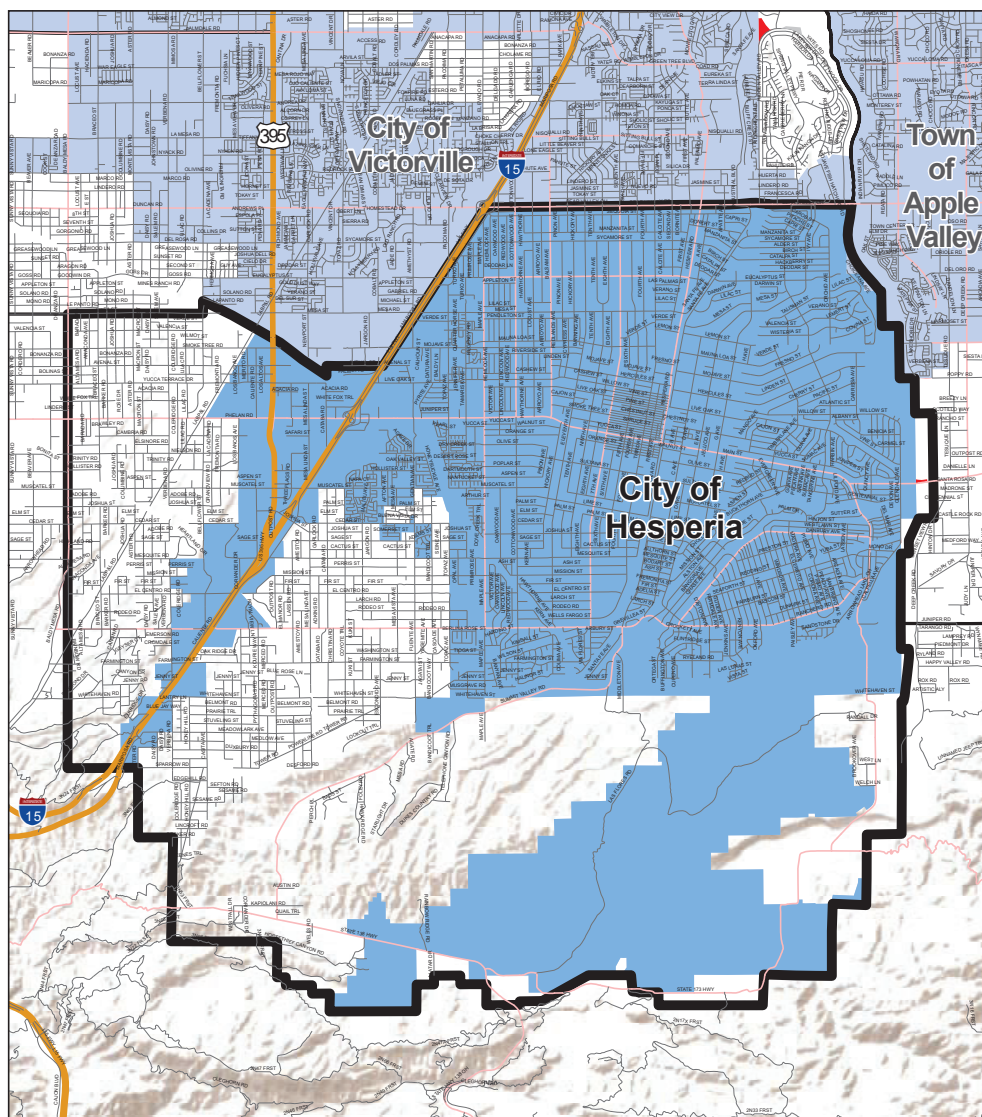


- DUCs
- City of Grand Terrace
- City of Grand Terrace Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Hesperia

0 0.5 1 2 3 4 Miles



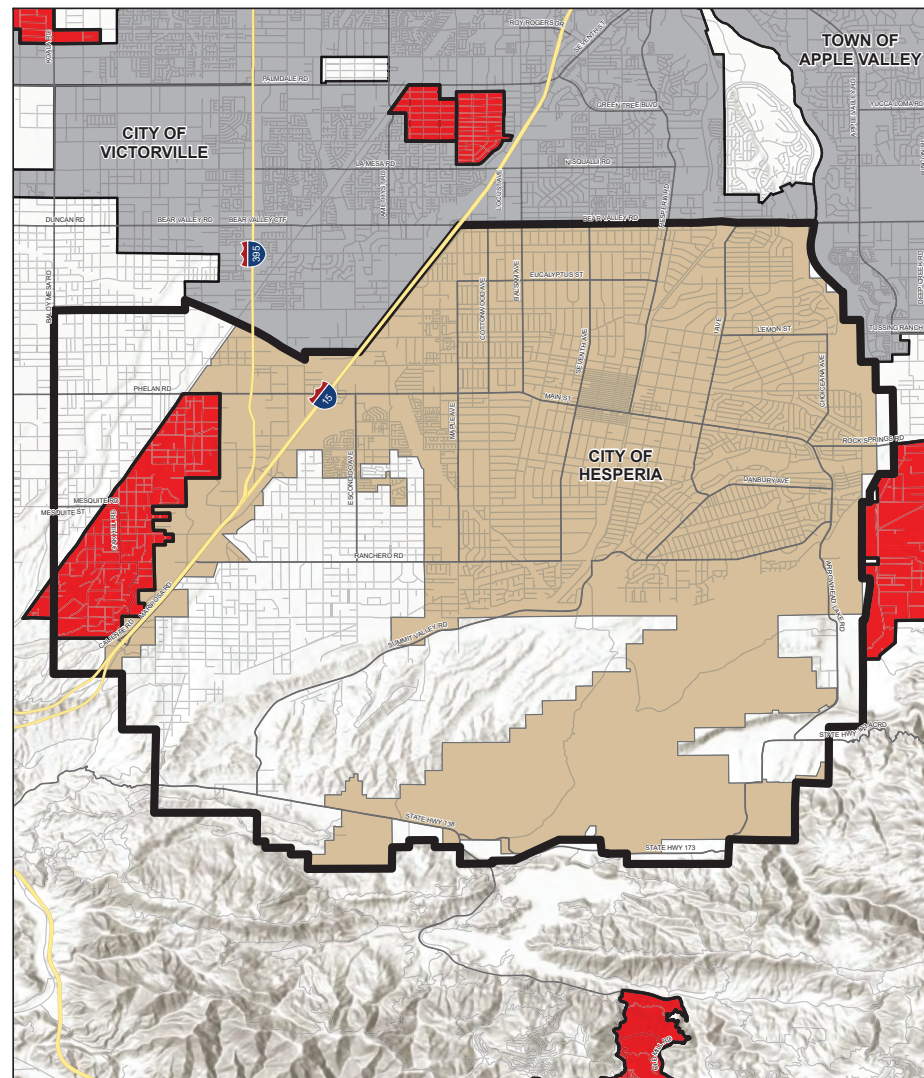
DUCs = Less than 80% of Statewide Median Household Income

Legend

- Disadvantaged Unincorporated Communities
- City of Hesperia
- Other City Boundaries
- City of Hesperia Sphere of Influence
- Other City Spheres of Influence



Map created: 12/19/2016



2021 Disadvantaged Unincorporated Communities (DUCs) City of Hesperia



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

0 1.1 2.1 Miles

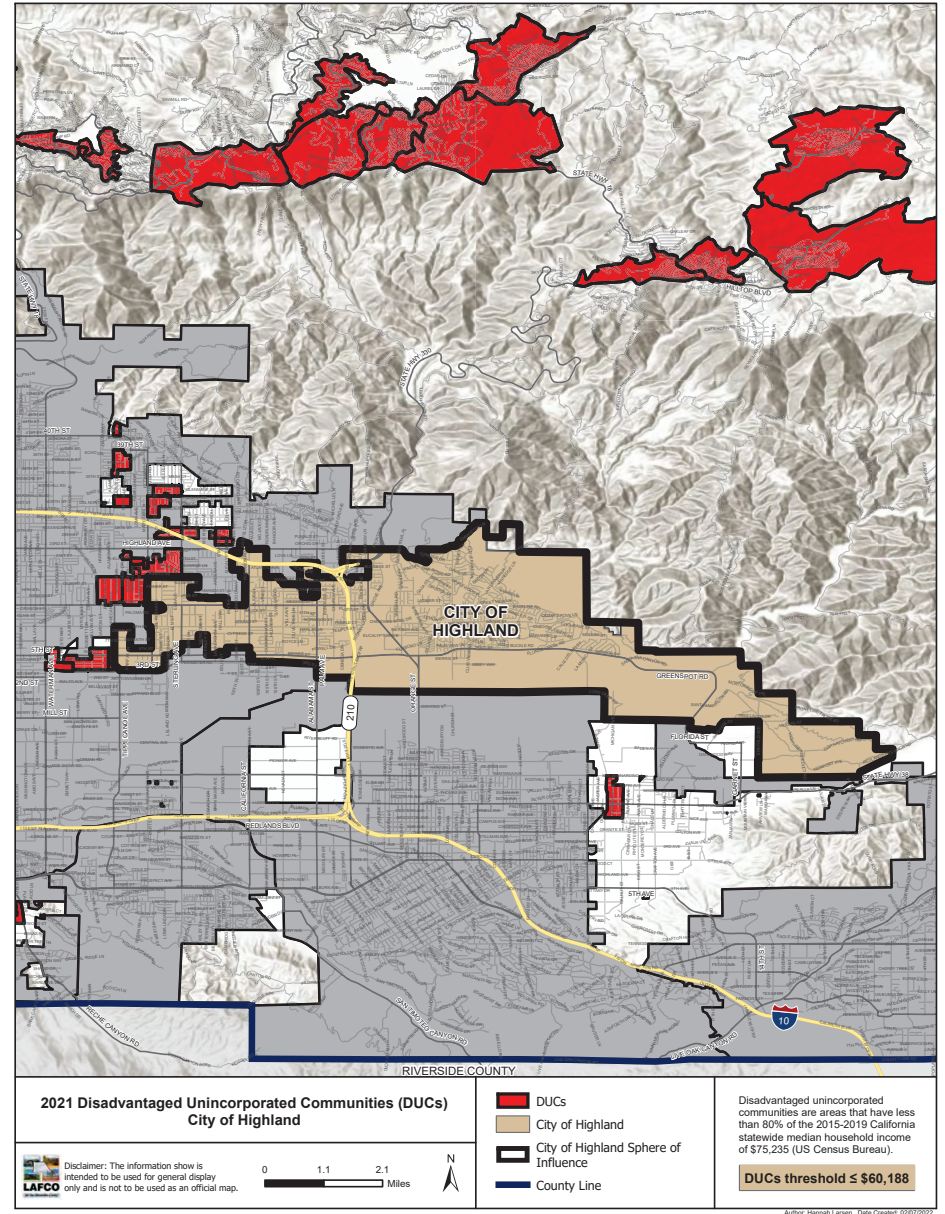
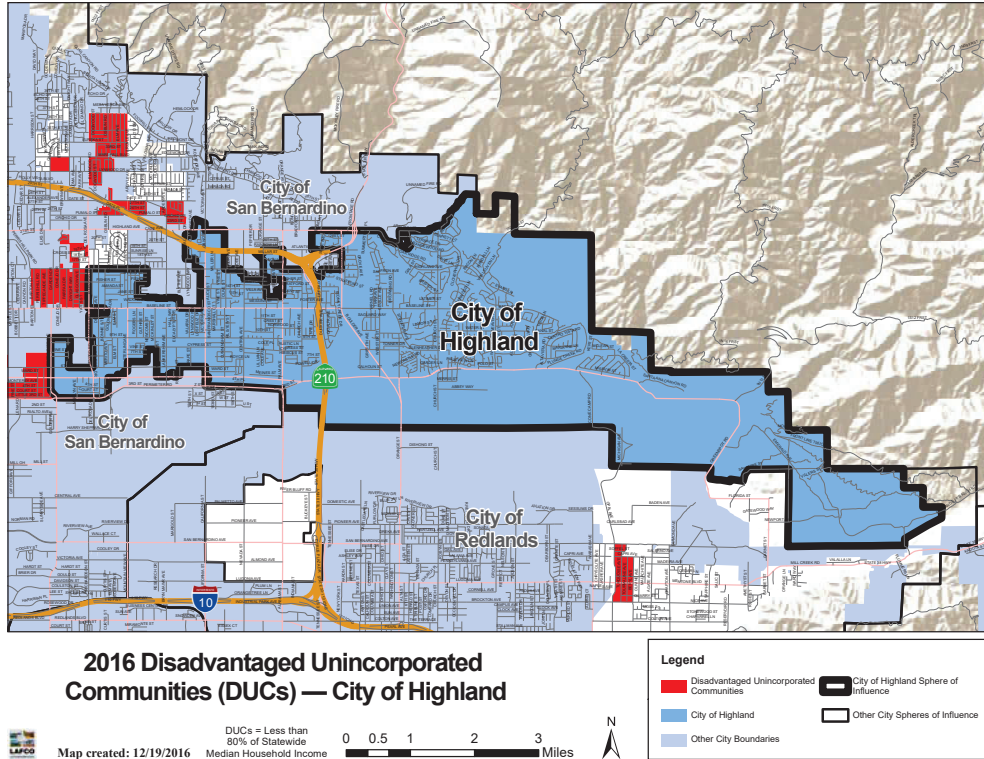


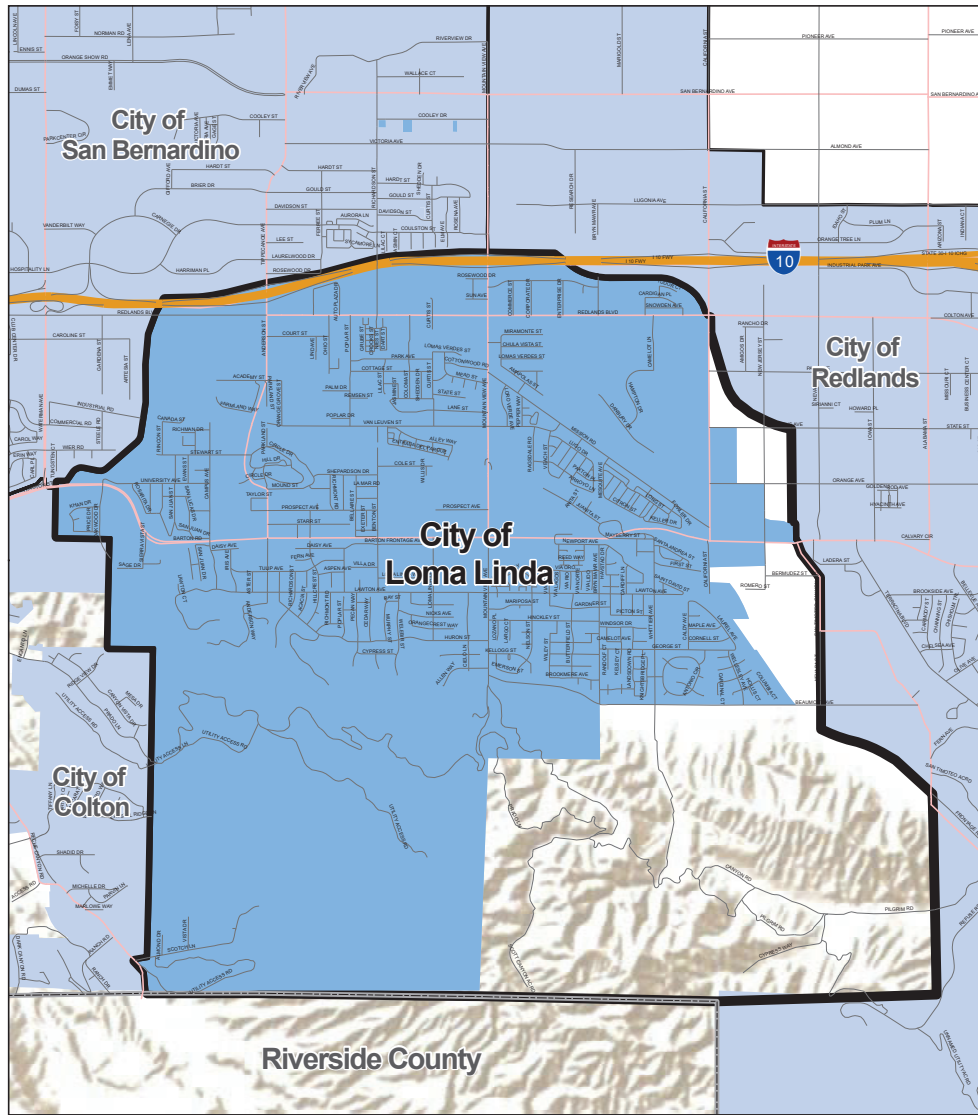
- DUCs
- City of Hesperia
- City of Hesperia Sphere of Influence

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022





2016 Disadvantaged Unincorporated Communities (DUCs) — City of Loma Linda



0 0.25 0.5 1 1.5 Miles

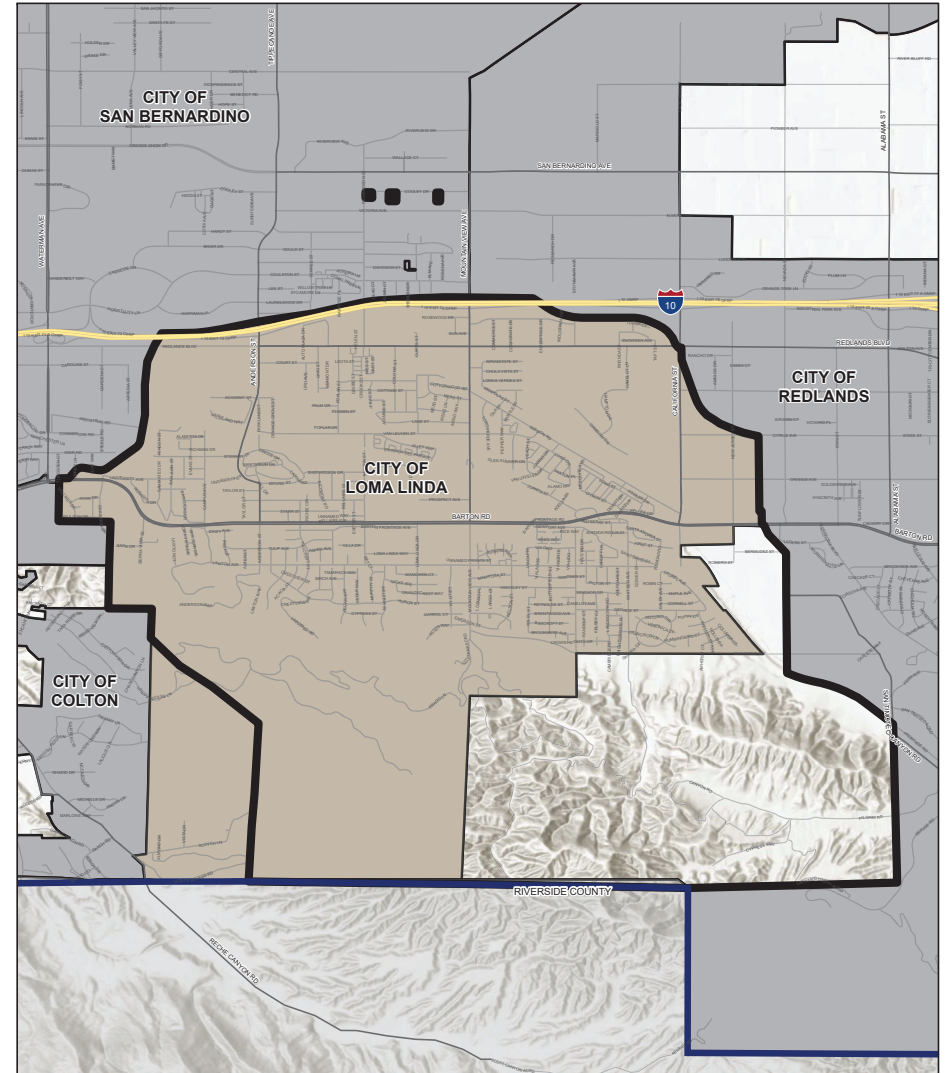


DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/19/2016

Legend

- Disadvantaged Unincorporated Communities
- City of Loma Linda
- Other City Boundaries
- City of Loma Linda Sphere of Influence
- Other City Spheres of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Loma Linda



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

0 0.3 0.7 Miles

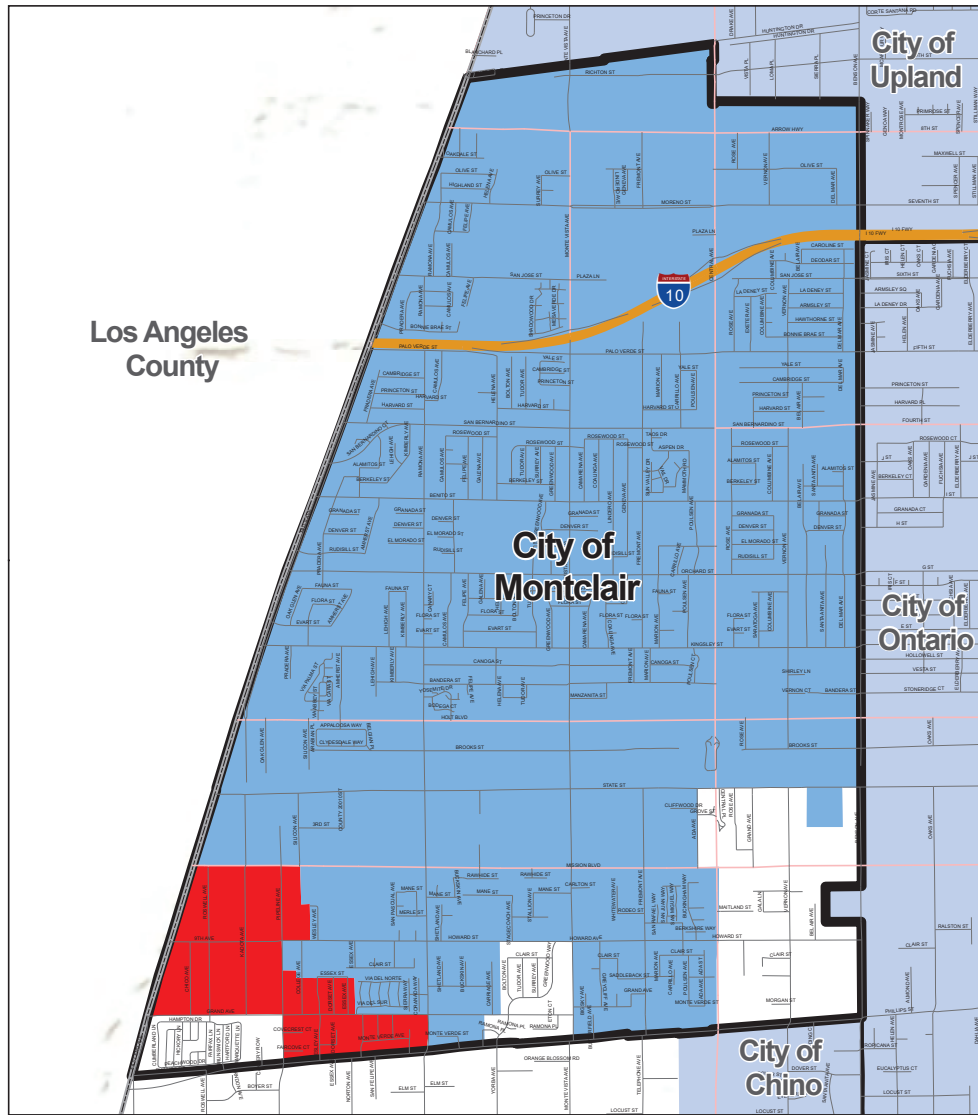


- DUCs
- City of Loma Linda
- City of Loma Linda Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Montclair



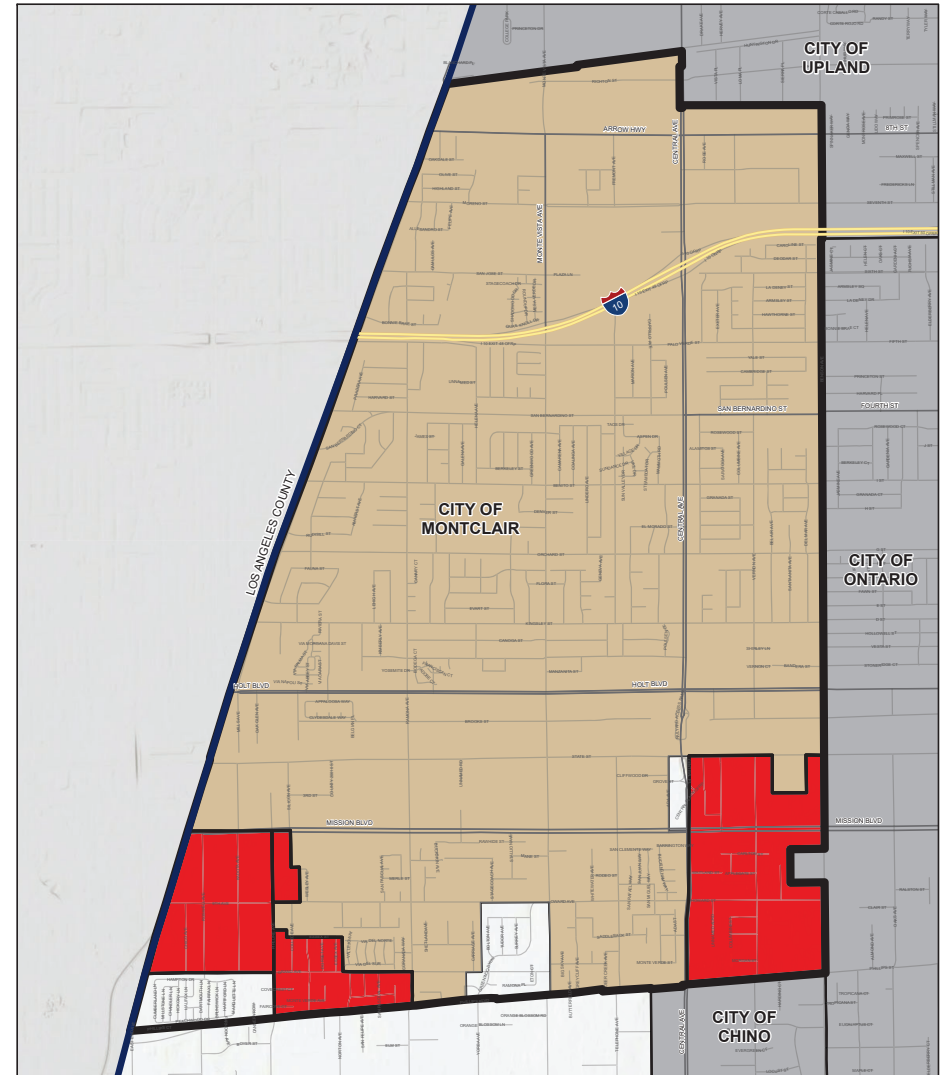
0 225 450 900 1,350
Yards

Map created: 12/19/2016

DUCs = Less than 80% of Statewide Median Household Income

Legend

- Disadvantaged Unincorporated Communities
- City of Montclair
- Other City Boundaries
- City of Montclair Sphere of Influence
- Other City Spheres of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Montclair



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

0 0.2 0.4
Miles

- DUCs
- City of Montclair
- City of Montclair Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Needles



0 2 4 8 12 16 Miles

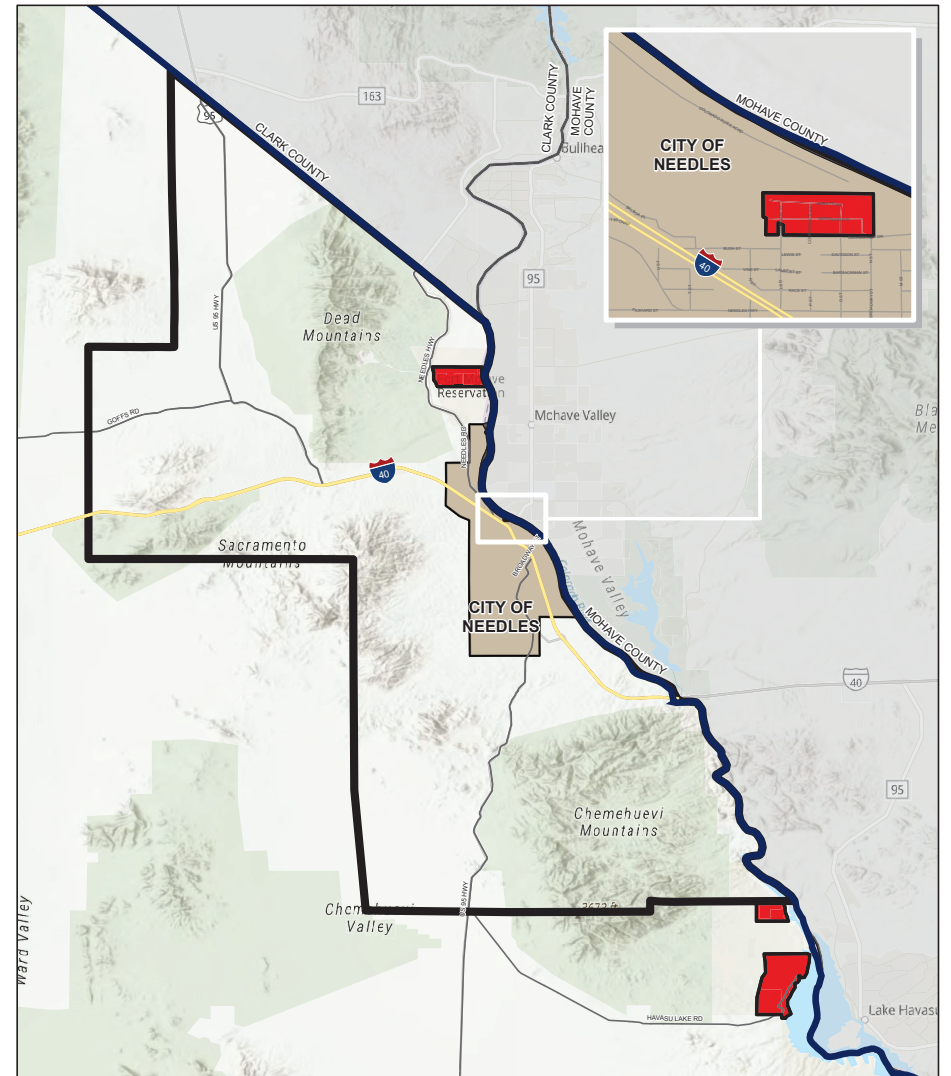


DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/19/2016

Legend

- Disadvantaged Unincorporated Communities
- City of Needles
- Other City Boundaries
- City of Needles Sphere of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Needles



0 3 6.1 Miles

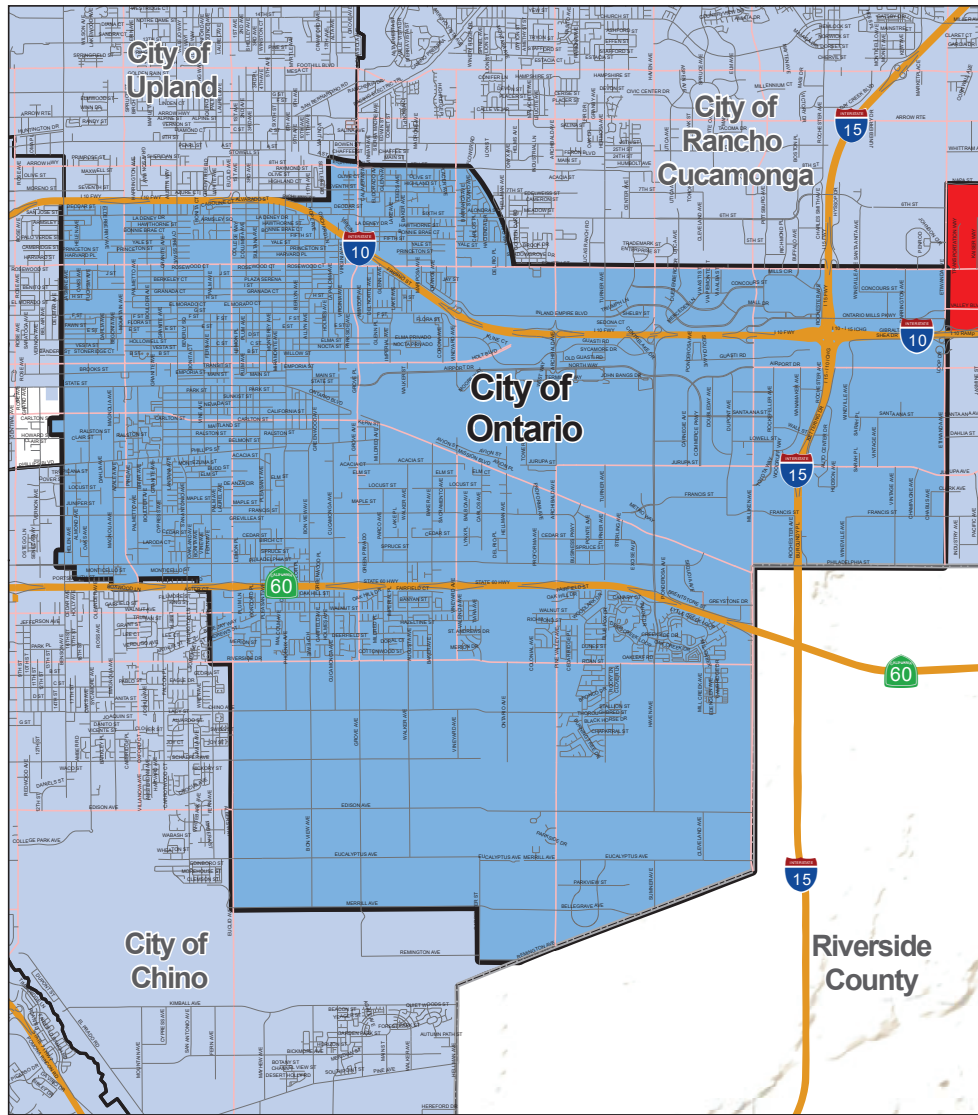


- DUCs
- City of Needles
- City of Needles Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Ontario



0 0.5 1 2 3 Miles

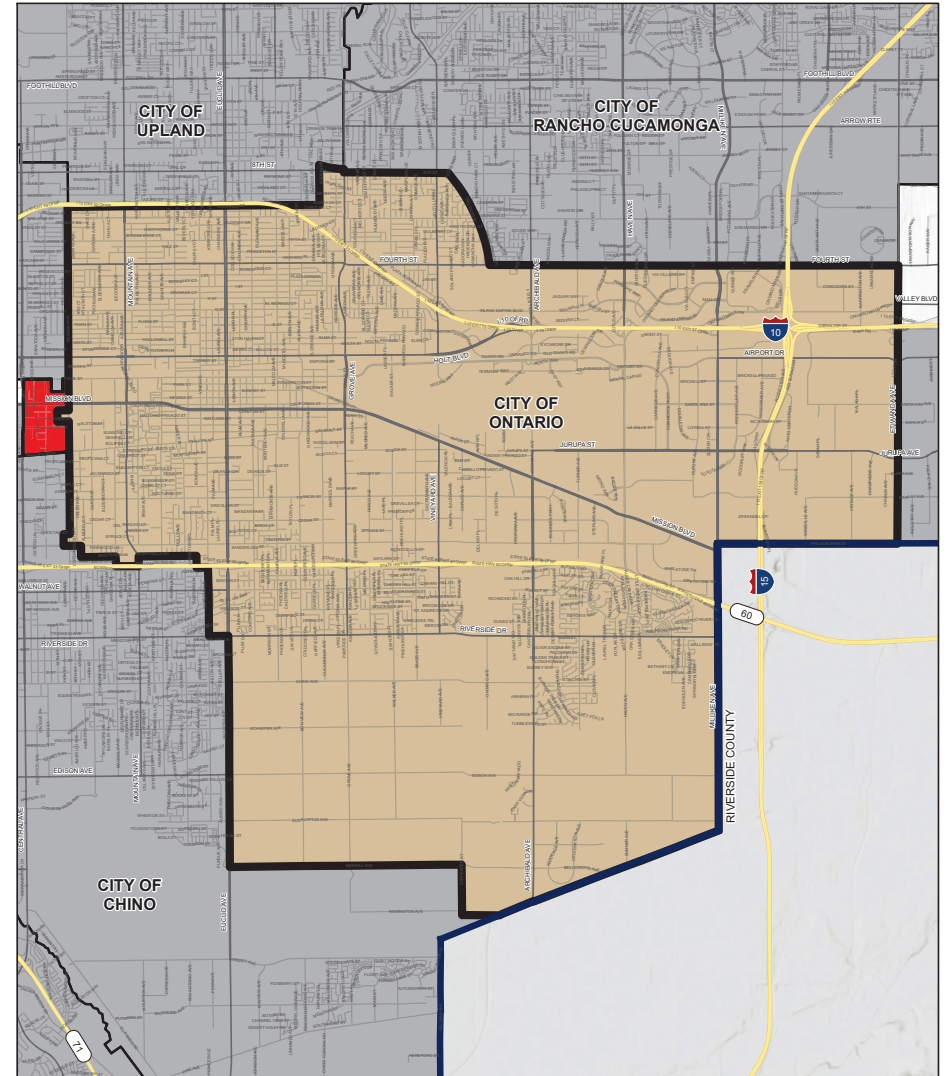


DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/19/2016

Legend

- Disadvantaged Unincorporated Communities
- City of Ontario
- Other City Boundaries
- City of Ontario Sphere of Influence
- Other City Spheres of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Ontario



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

0 0.6 1.2 Miles

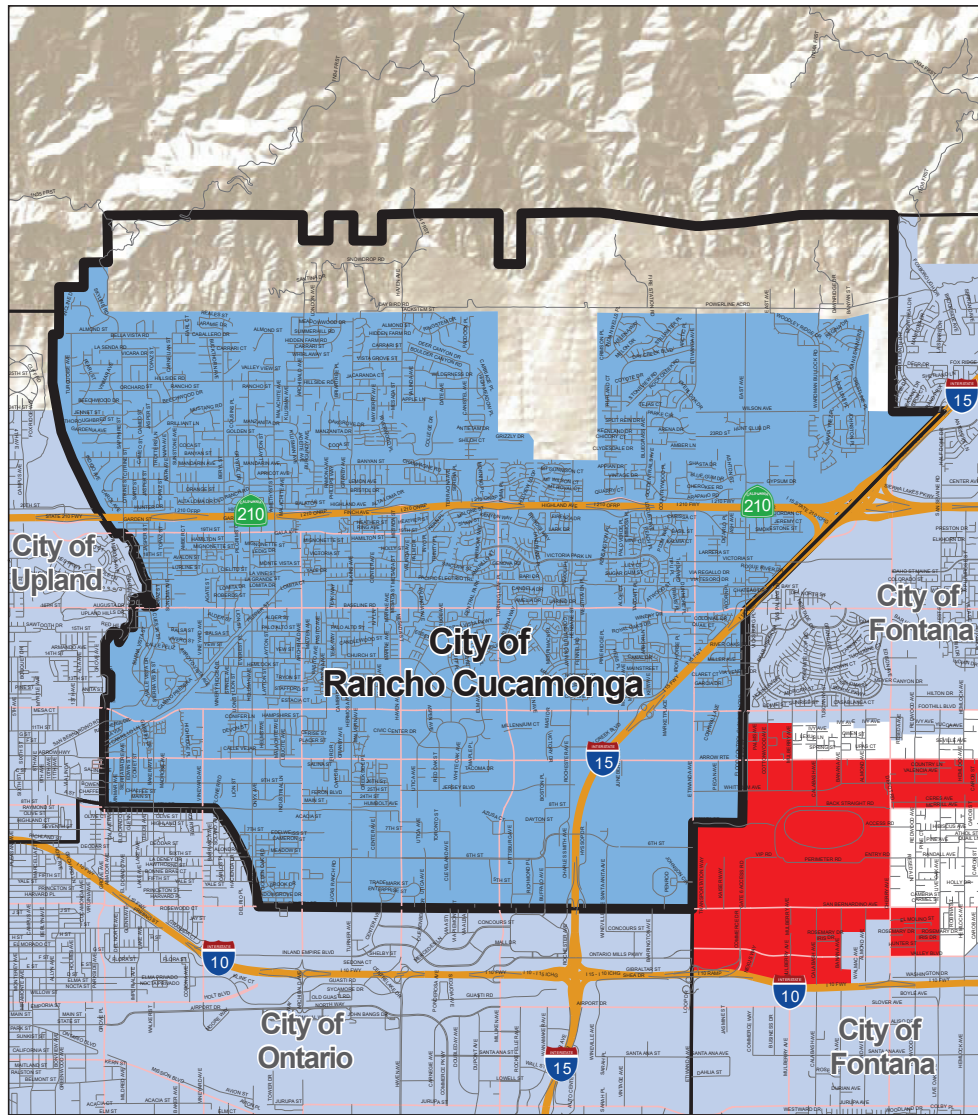


- DUCs
- City of Ontario
- City of Ontario Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Rancho Cucamonga



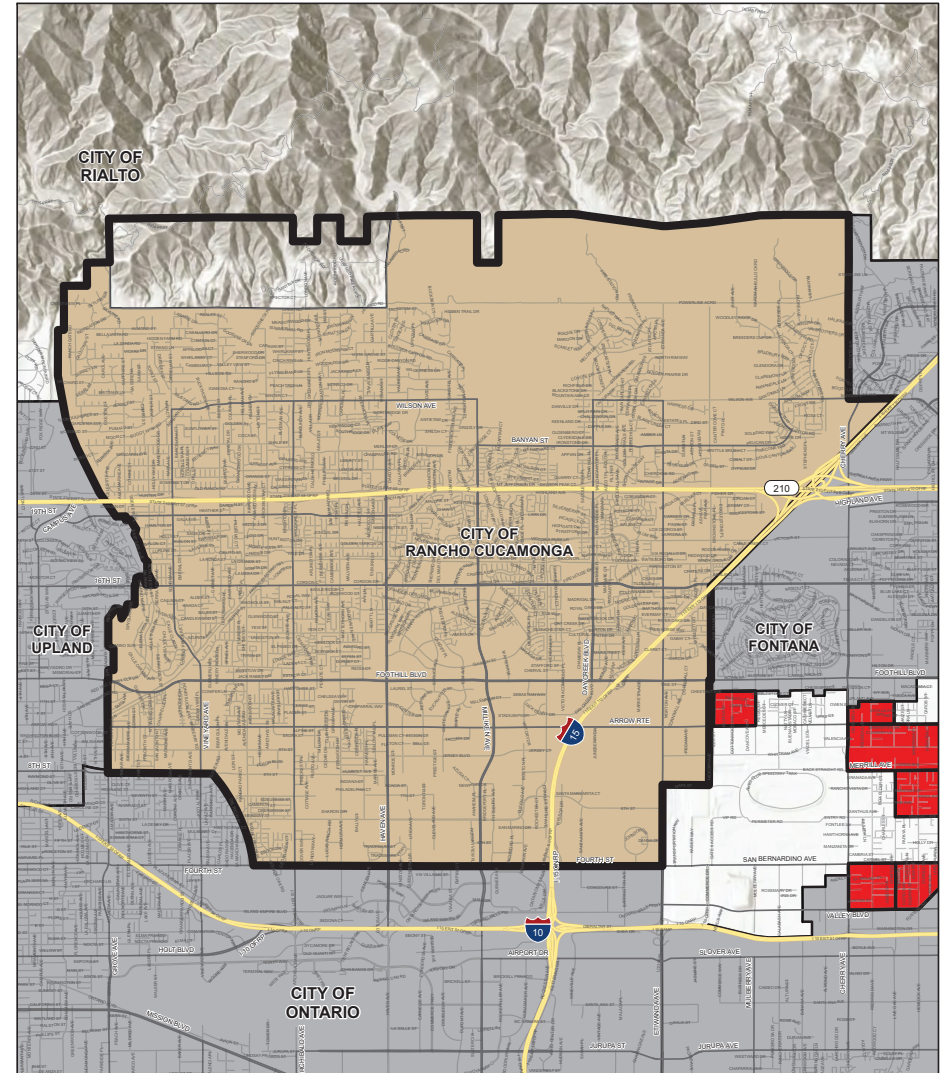
0 0.5 1 2 3 Miles

DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/19/2016

Legend

- Disadvantaged Unincorporated Communities
- City of Rancho Cucamonga
- Other City Boundaries
- City of Rancho Cucamonga Sphere of Influence
- Other City Spheres of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Rancho Cucamonga



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

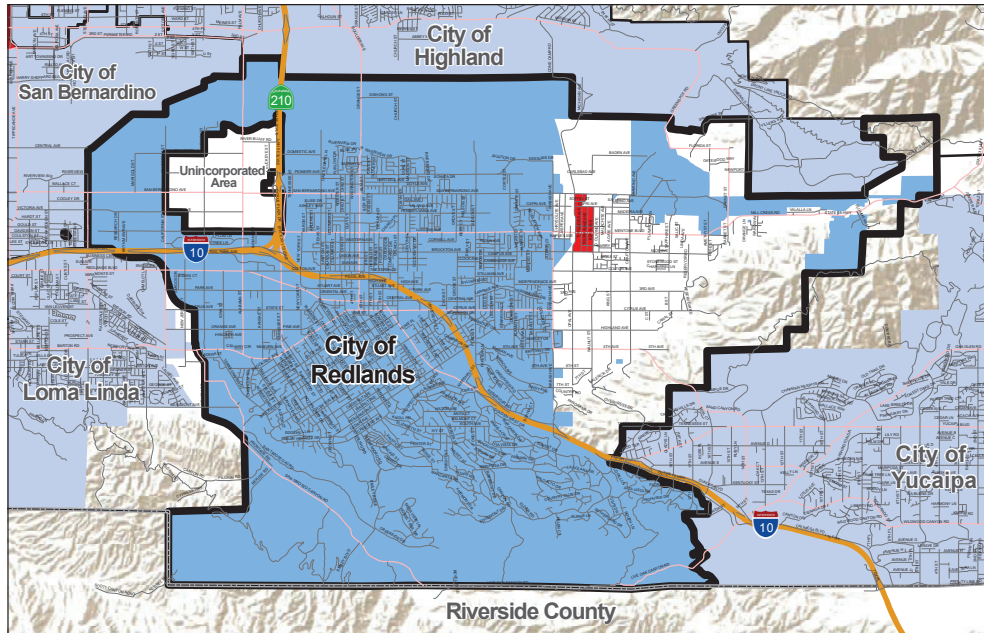
0 0.6 1.2 Miles

- DUCs
- City of Rancho Cucamonga
- City of Rancho Cucamonga Sphere of Influence

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Redlands



Map created: 12/19/2016

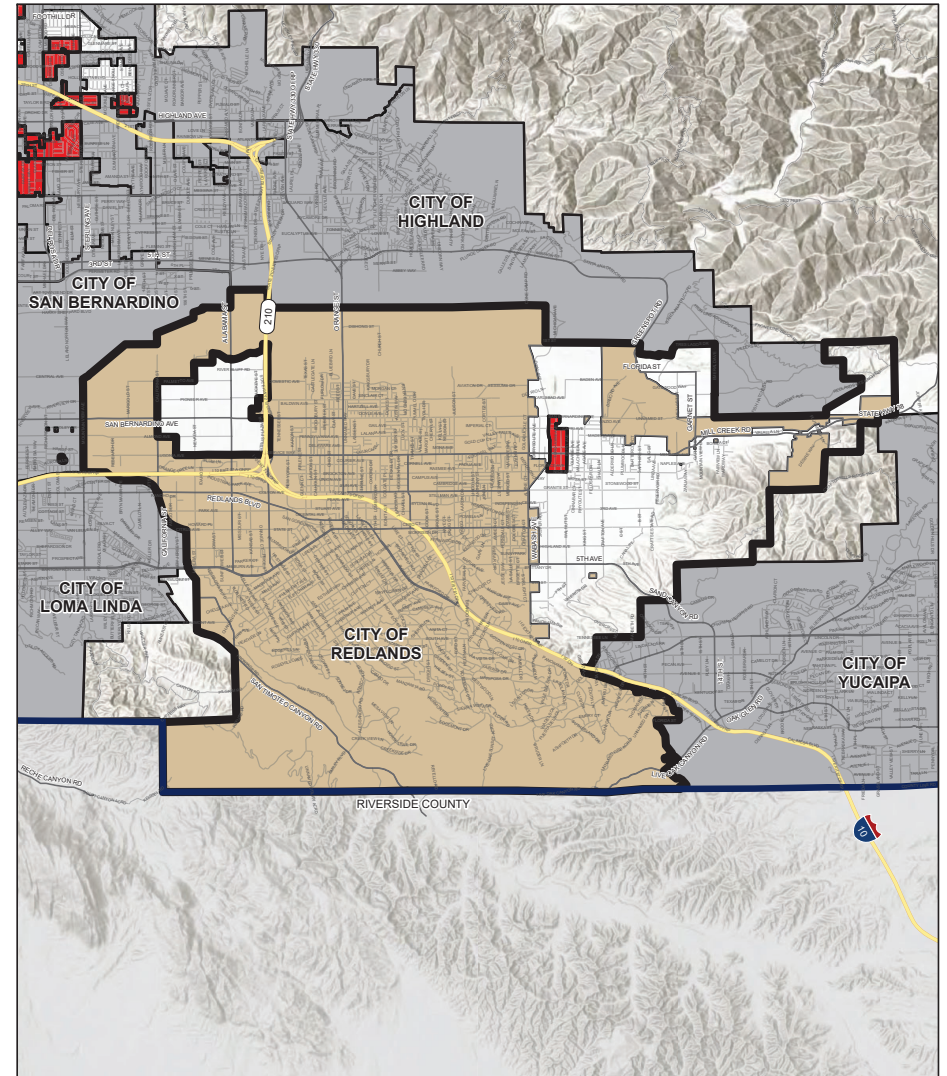
DUCs = Less than 80% of Statewide Median Household Income

0 0.5 1 2 3 Miles



Legend

- Disadvantaged Unincorporated Communities
- City of Redlands
- Other City Boundaries
- City of Redlands Sphere of Influence
- Other City Spheres of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Redlands



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

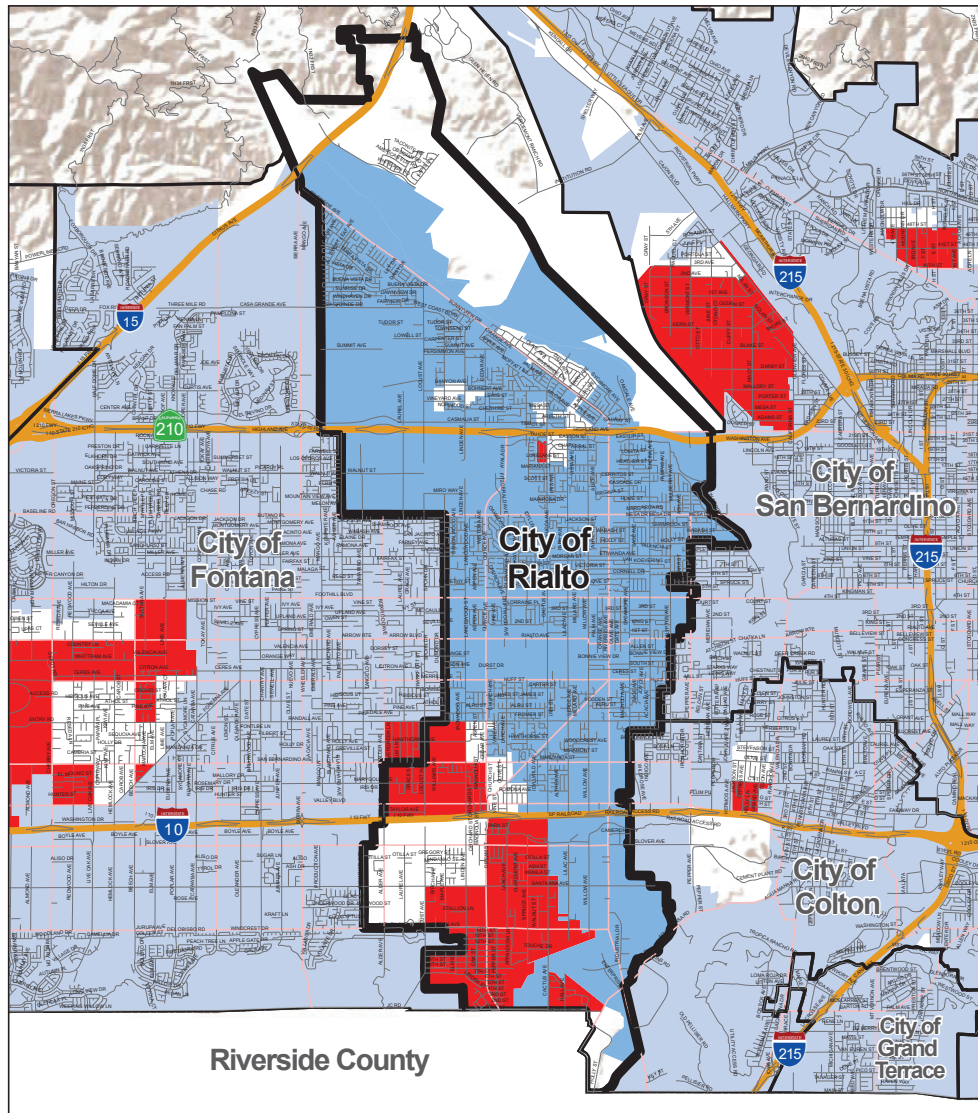
0 0.8 1.5 Miles



- DUCs
- City of Redlands
- City of Redlands Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Rialto



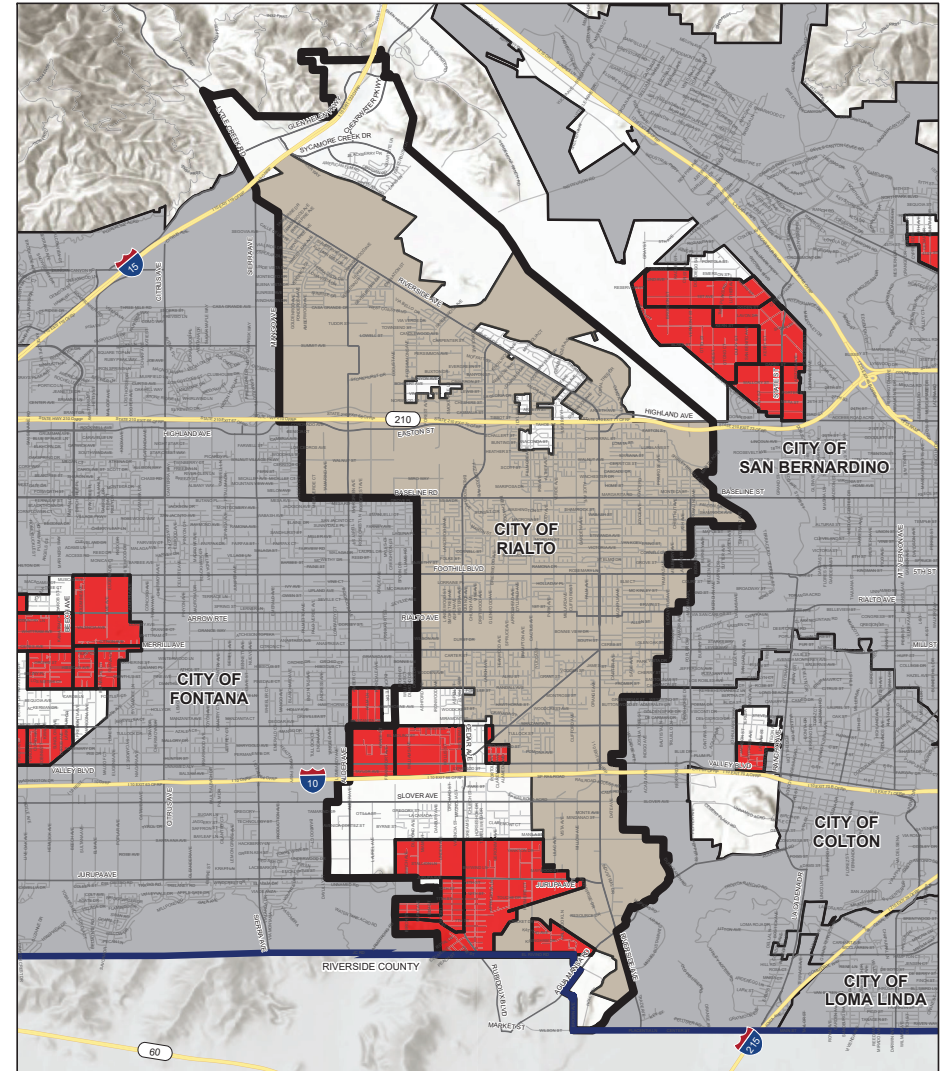
0 0.5 1 2 3 Miles

Map created: 12/19/2016

DUCs = Less than 80% of Statewide Median Household Income

Legend

- Disadvantaged Unincorporated Communities
- City of Rialto
- Other City Boundaries
- City of Rialto Sphere of Influence
- Other City Spheres of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Rialto



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

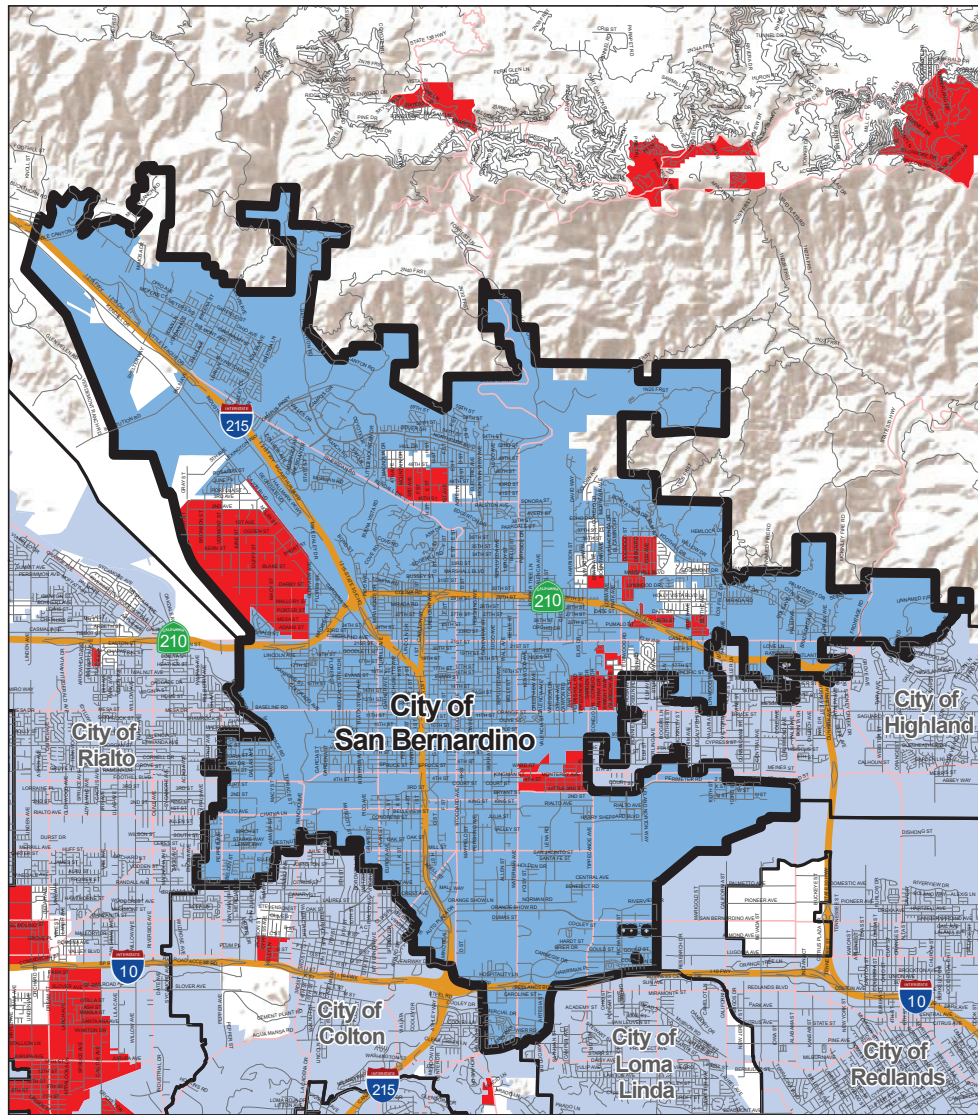
0 0.8 1.6 Miles

- DUCs
- City of Rialto
- City of Rialto Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of San Bernardino



0 0.5 1 2 3 4 Miles

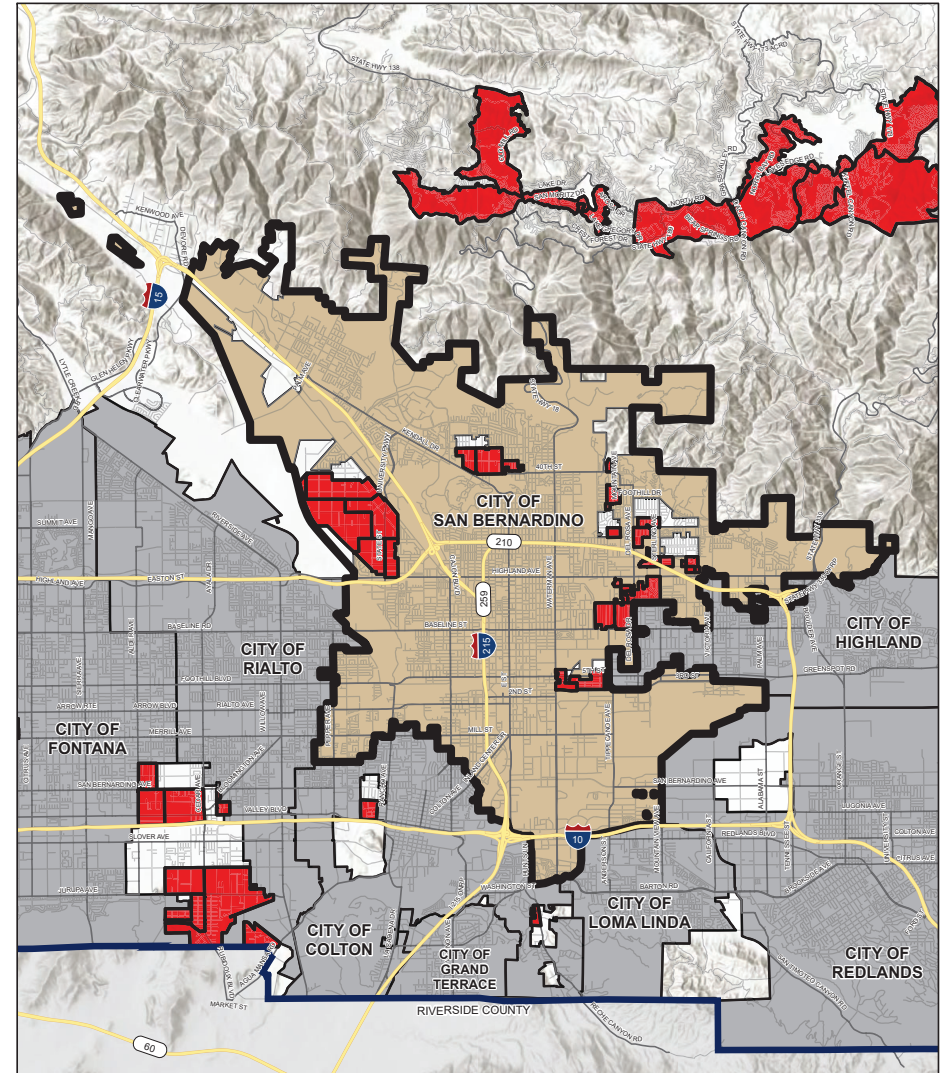


DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/22/2016

Legend

- Disadvantaged Unincorporated Communities
- City of San Bernardino
- Other City Boundaries
- City of San Bernardino Sphere of Influence
- Other City Spheres of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of San Bernardino



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

0 1 2 Miles

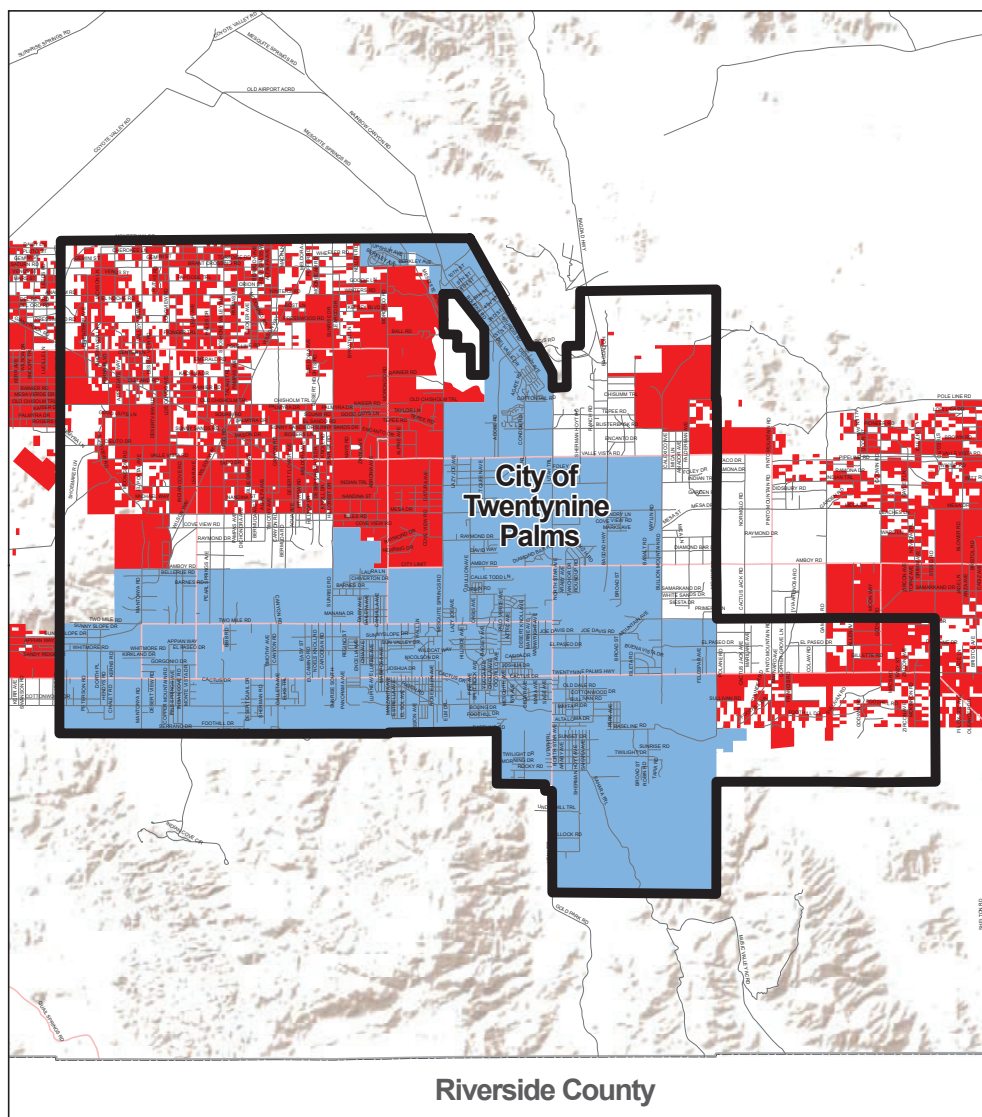


- DUCs
- City of San Bernardino
- City of San Bernardino Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Twentynine Palms



0 0.75 1.5 3 4.5 6 Miles

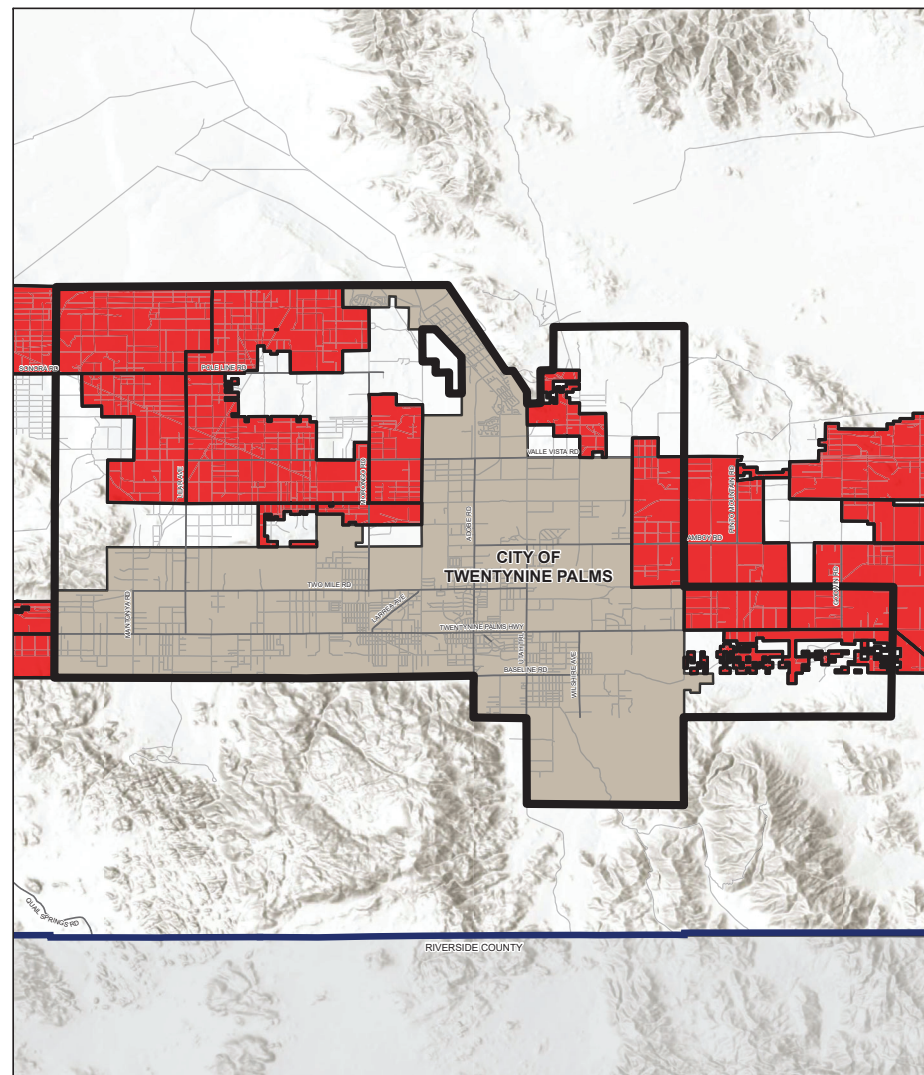


DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/19/2016

Legend

- Disadvantaged Unincorporated Communities
- City of Twentynine Palms
- Other City Boundaries
- City of Twentynine Palms Sphere of Influence
- Other City Spheres of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Twentynine Palms



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

0 1.4 2.7 Miles

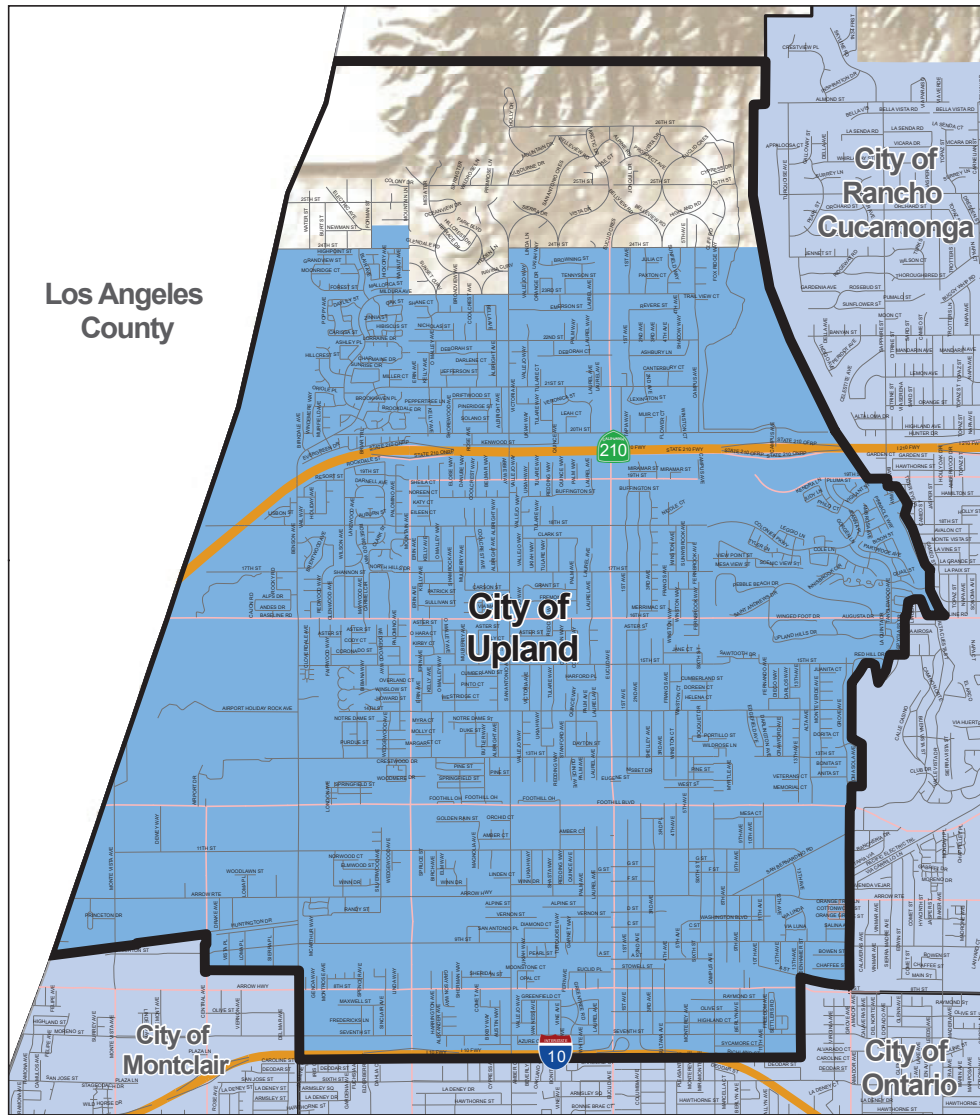


- DUCs
- City of Twentynine Palms
- City of Twentynine Palms Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Upland



0 0.25 0.5 1 1.5 Miles

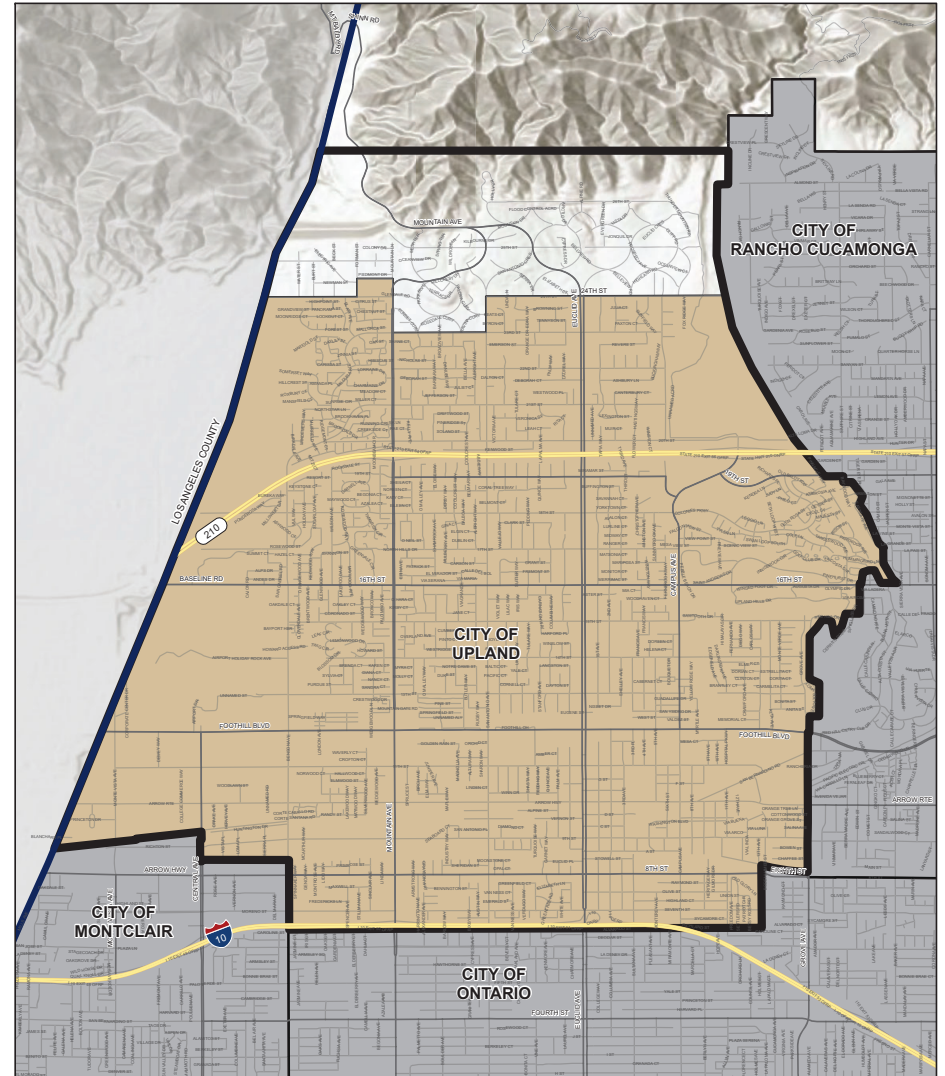


DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/19/2016

Legend

- Disadvantaged Unincorporated Communities
- City of Upland
- Other City Boundaries
- City of Upland Sphere of Influence
- Other City Spheres of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Upland



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

0 0.4 0.8 Miles

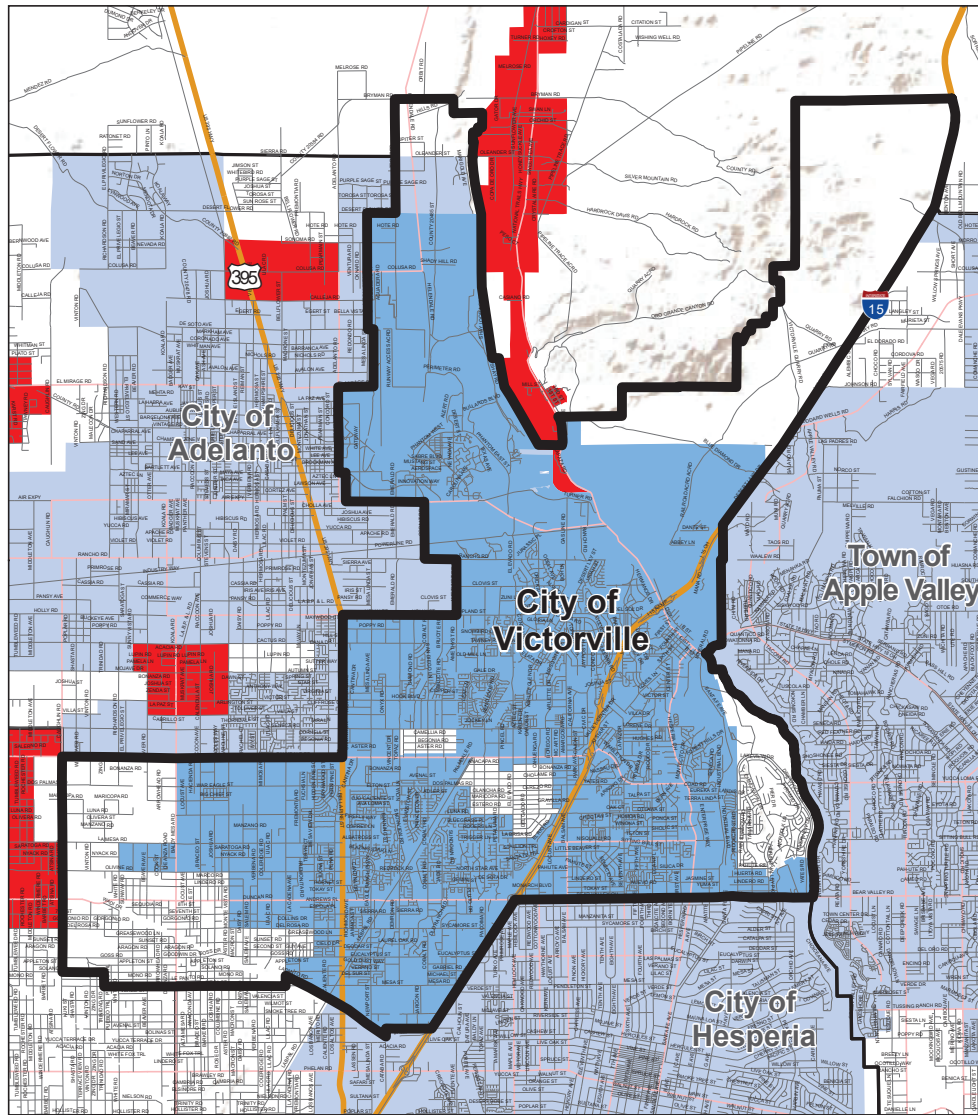


- DUCs
- City of Upland
- City of Upland Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Victorville

0 0.75 1.5 3 4.5 6 Miles

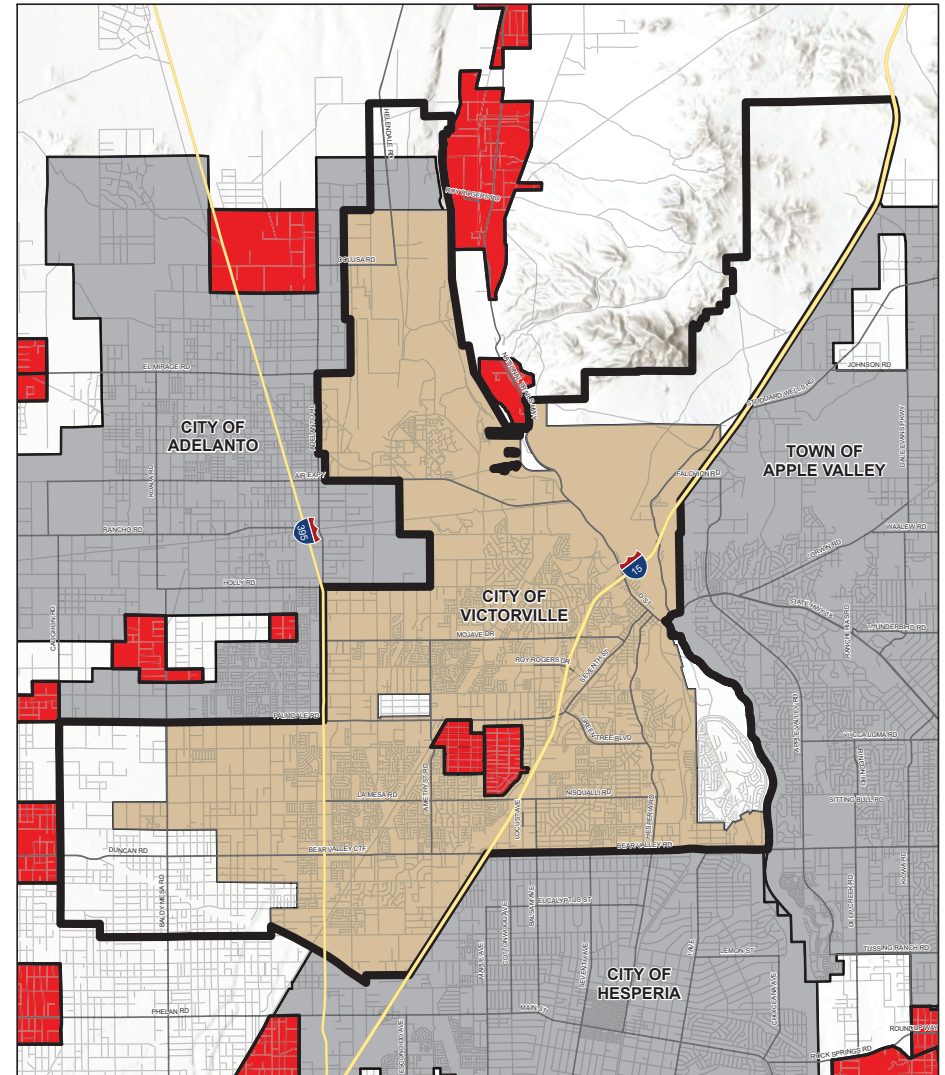


Map created: 12/20/2016

DUCs = Less than 80% of Statewide Median Household Income

Legend

- Disadvantaged Unincorporated Communities
- City of Victorville
- Other City Boundaries
- City of Victorville Sphere of Influence
- Other City Spheres of Influence



2021 Disadvantaged Unincorporated Communities (DUCs) City of Victorville



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

0 1 2 Miles

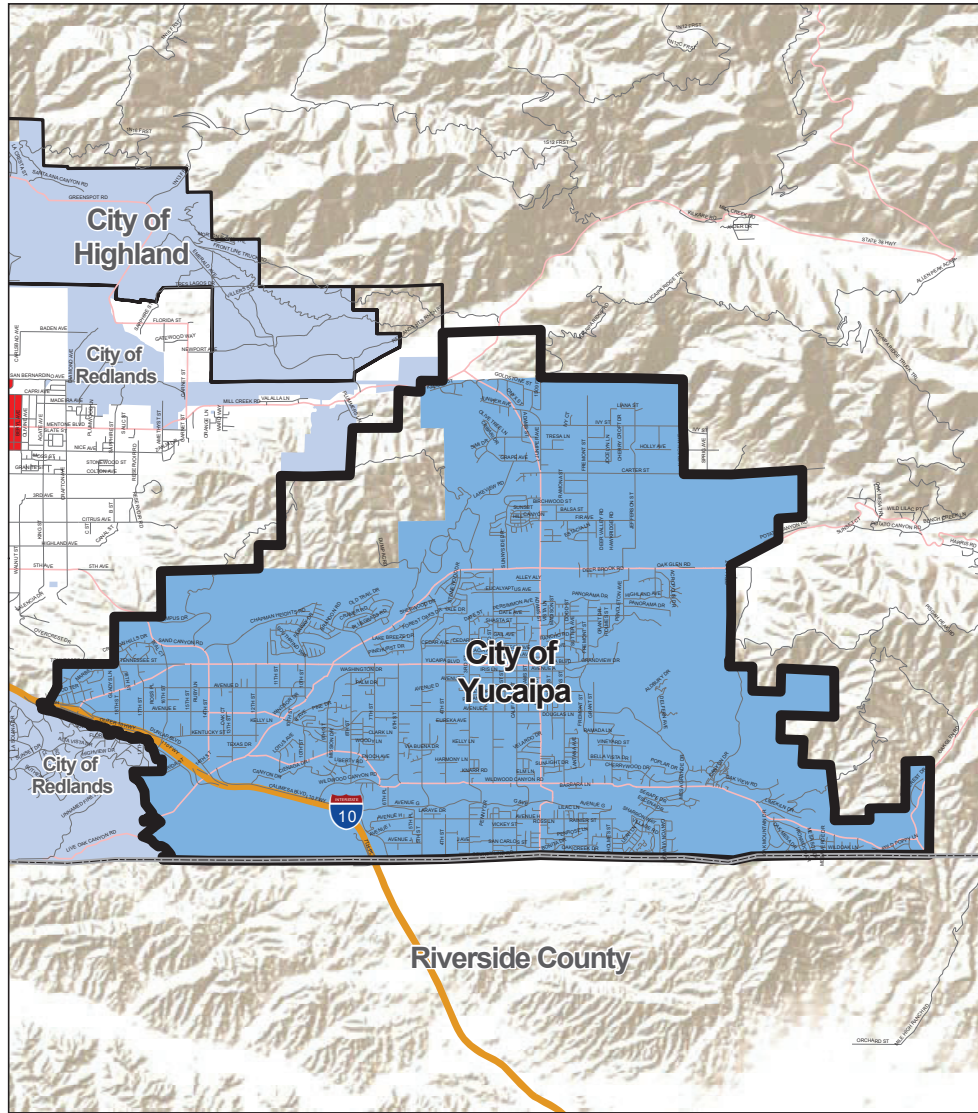


- DUCs
- City of Victorville
- City of Victorville Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — City of Yucaipa

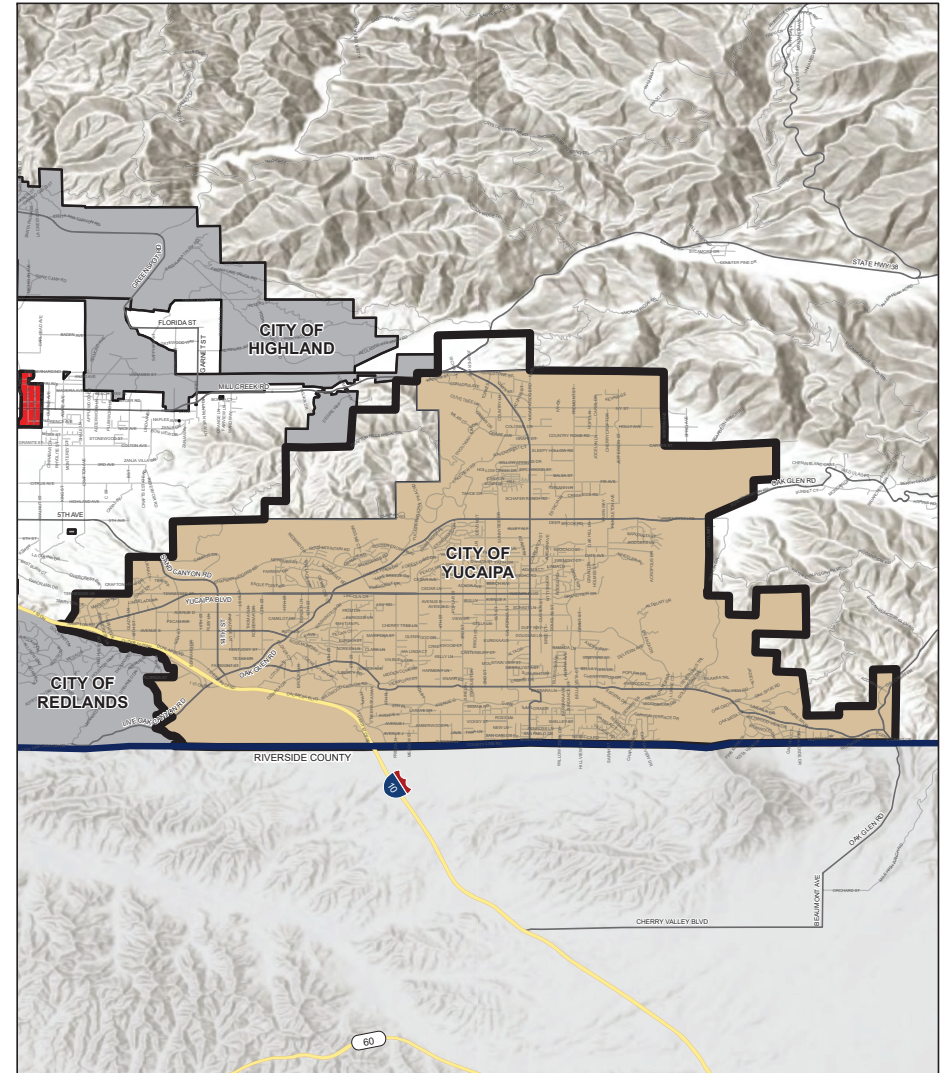


Map created: 12/19/2016

DUCs = Less than 80% of Statewide Median Household Income

Legend

- Disadvantaged Unincorporated Communities
- City of Yucaipa
- Other City Boundaries
- City of Yucaipa Sphere of Influence
- Other City Spheres of Influence
- County Line



2021 Disadvantaged Unincorporated Communities (DUCs) City of Yucaipa



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

0 0.8 1.6 Miles

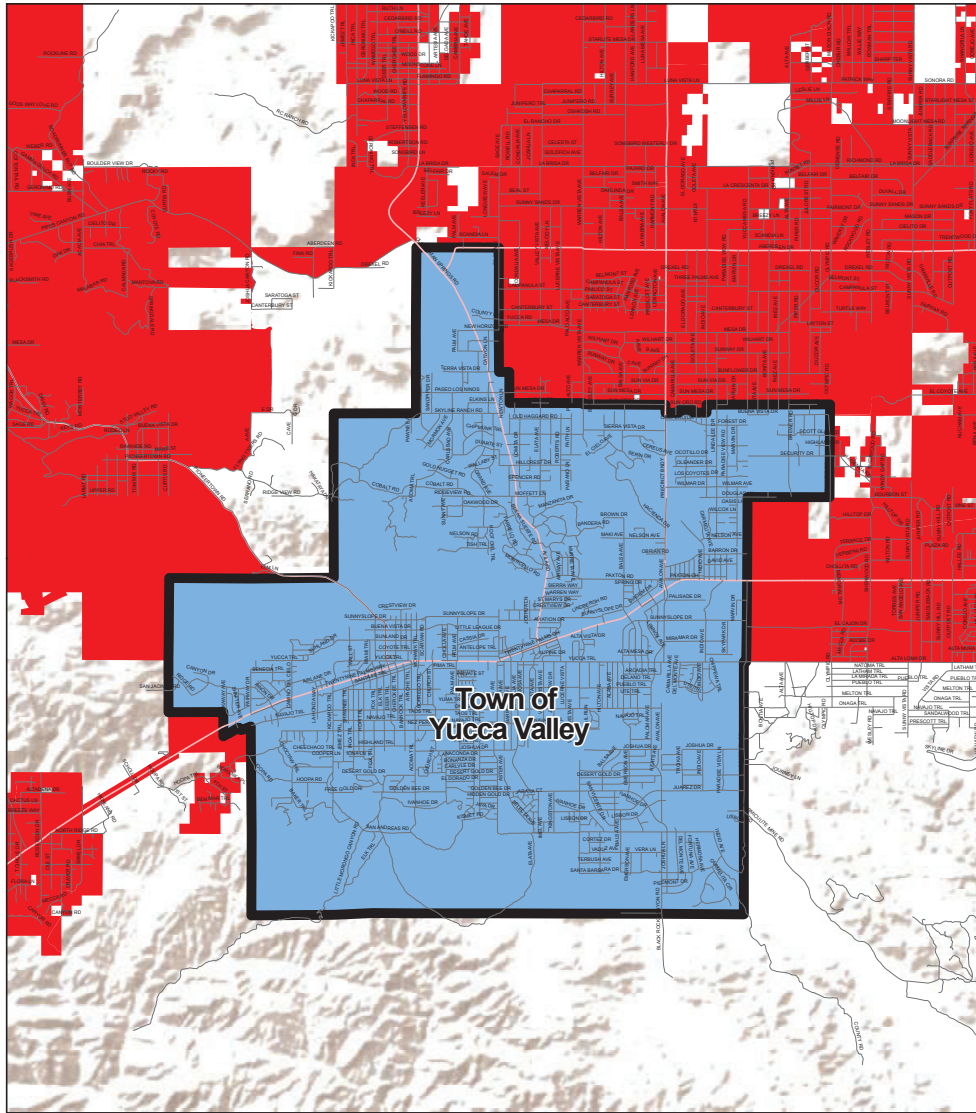


- DUCs
- City of Yucaipa
- City of Yucaipa Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022



2016 Disadvantaged Unincorporated Communities (DUCs) — Town of Yucca Valley



0 0.5 1 2 3 4 Miles

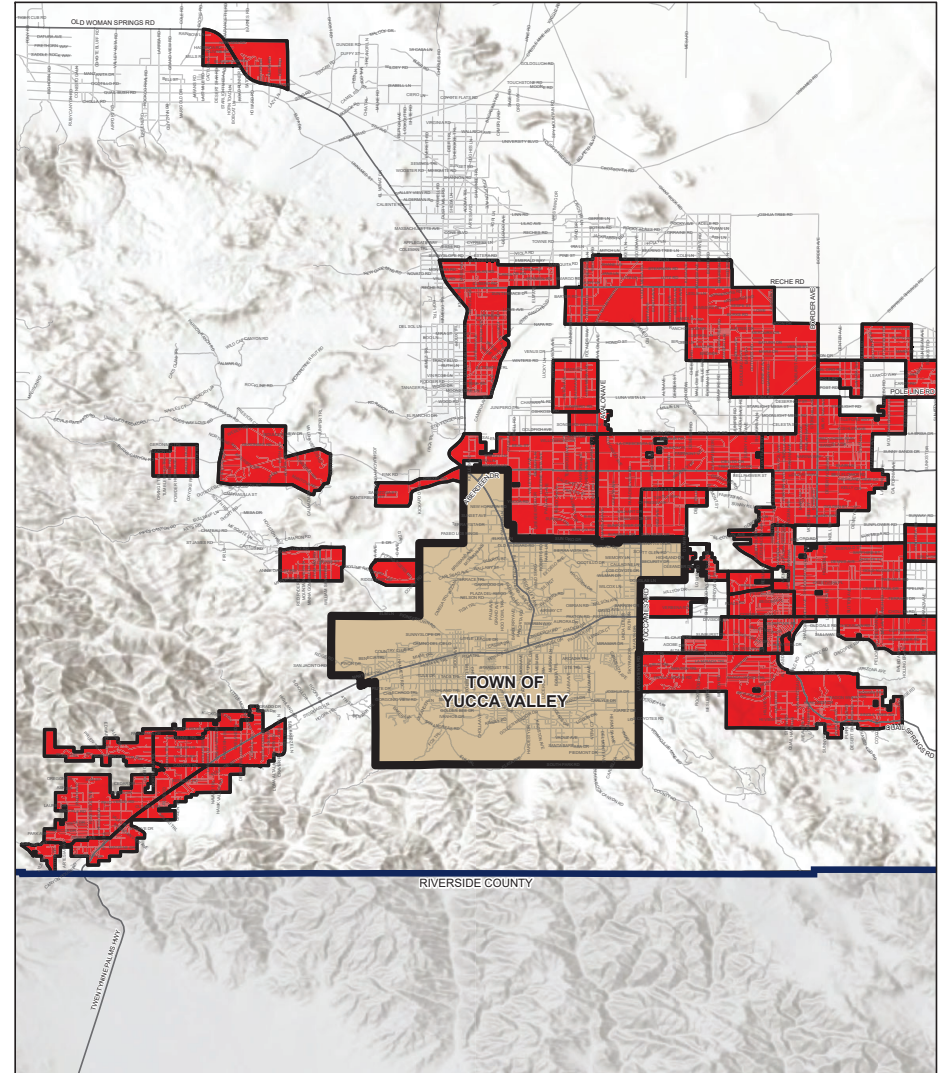


DUCs = Less than 80% of Statewide Median Household Income

Map created: 12/19/2016

Legend

- Disadvantaged Unincorporated Communities
- Town of Yucca Valley
- Town of Yucca Valley Sphere of Influence



2021 Disadvantaged Unincorporated Communities (DUCs) Town of Yucca Valley



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

0 1.6 3.2 Miles



- DUCs
- Town of Yucca Valley
- Town of Yucca Valley Sphere of Influence
- County Line

Disadvantaged unincorporated communities are areas that have less than 80% of the 2015-2019 California statewide median household income of \$75,235 (US Census Bureau).

DUCs threshold ≤ \$60,188

Author: Hannah Larsen Date Created: 02/07/2022

LOCAL AGENCY FORMATION COMMISSION FOR SAN BERNARDINO COUNTY

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

DATE: FEBRUARY 9, 2022 
FROM: SAMUEL MARTINEZ, Executive Officer
TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: AGENDA ITEM #13: EXECUTIVE OFFICER'S REPORT

REMINDER:

The Commission's next meeting will be on March 16, 2022. The Commission will be considering two service contracts, the Service Review for the Twentynine Palms Community, as well as its Preliminary Budget.

Southern Region LAFCOs:

The Southern Region LAFCOs, which includes representatives from Imperial, LA, Orange, Riverside, San Bernardino and San Diego, had its first meeting quarterly meeting on January 31, 2022. Commissioners Curatalo (current San Bernardino representative and Southern Region LAFCO Vice Chair) and Warren (current CALAFCO Board member) were in attendance, together with LAFCO staff.

CALAFCO NEWS:

- **CALAFCO Executive Director**

The CALAFCO Board of Directors recently announced the selection of René LaRoche as the new Executive Director for CALAFCO. Ms. LaRoche comes to CALAFCO with a diverse background that includes local government and private sector experience, as well as experience serving on Association Boards of Directors. Prior to accepting the Executive Director position, she was the Clerk of Board of Supervisors in Mariposa County. Ms. LaRoche has a Master's Degree in Public Management from Johns Hopkins University and a Bachelor's Degree in Public Administration from the University of Las Vegas Nevada. She is past President of the CA Clerk of the Board of Supervisors Association and an Institute Fellow of the CA State Association of Counties.

- **CALAFCO Quarterly Report**

Enclosed is the 1st Quarterly CALAFCO Report for 2022, which highlights recent CALAFCO Board actions (including the selection of Ms. LaRoche as the new CALAFCO Executive Director), upcoming CALAFCO educational opportunities, and other CALAFCO related news.

Enclosure

News from the Board of Directors

CALAFCO QUARTERLY

February 2022



A message from the Executive Director

Greetings from your CALAFCO Board of Directors and Executive Director. As 2022 is underway, there is a lot going on in Sacramento and in CALAFCO. We are happy to bring you all the latest news of the Association.



CALAFCO BOARD ACTIONS

CALAFCO BOARD SELECTS NEW EXECUTIVE DIRECTOR

At their January 21st meeting the CALAFCO Board of Directors selected **René LaRoche** as the new Executive Director. The Board, along with the CALAFCO Regional Officers, Administrator, Legal Counsel and current Executive Director interviewed two finalists before the Board made the selection. The finalists were recommended by the Board's Recruitment Committee (Mike Kelley, Anita Paque, Bill Connelly, Margie Mohler, Mike McGill, Clark Alsop and Steve Lucas) who interviewed five candidates forwarded by the professional recruiting firm of Koff & Associates before making the recommendation. The new Executive Director serves as a full-time, at-will employee under contract with the Association.



René LaRoche comes to CALAFCO with a diverse background that includes local government and private sector experience, as well as experience serving on Association Boards of Directors. Most recently, as Clerk of Board of Supervisors in Mariposa County since 2012, she serves as part of the executive management team working closely with the elected and appointed officials in the County. Among other things, she develops and administers the department's budget and acts as a liaison for the County with national, state, and local entities. Previously, René served as development and business manager for Runaway Holiday, LLC where she did software and business development, and served as a web developer for Mountain Arts Design.

René earned a Master's Degree in Public Management from Johns Hopkins University and a Bachelor's Degree in Public Administration from the University of Las Vegas Nevada. She is past President of the CA Clerk of the Board of Supervisors Association and an Institute Fellow of the CA State Association of Counties. René will be relocating to the Sacramento area and is scheduled to begin full-time on February 28, with a transition overlap with the current Executive Director of several days per week beginning mid-February through mid-March. She is looking forward to meeting LAFCo staff at the March Staff Workshop and connecting with all LAFCo staff and Commissioners in the near future. René can be reached at rlaroche@calafco.org.

NEW BOARD MEMBER APPOINTED

Also during the January 21 meeting, the Board appointed **Derek McGregor**, Orange LAFCo Public Member, to the CALAFCO Board. Derek fills the unexpired term (through October 2022) of former Board Member David West of Imperial LAFCo, who resigned his Board seat late last year.

OTHER RECENT BOARD ACTIONS

The Board met virtually on January 21 and in addition to conducting interviews for a new Executive Director in a lengthy closed session and appointing Derek McGregor to the Board, they also took the following actions:

- ✓ Adopted member LAFCo dues for FY 2022-23 (information distributed to member LAFCo staff on February 1)
- ✓ Conducted the 2021 annual dashboard review of the Strategic Plan
- ✓ Accepted the mid-year financial reports
- ✓ Approved amendments to the final section of the Association's Policies, completing the first ever comprehensive review and update of the Association's Policies
- ✓ Received and filed numerous other reports

Additionally, the Board received a report on the status of the Staff Workshop scheduled for March 23 – 25, 2022. It was reported that registration numbers are currently low, about half of what is normal, and unless facility contractual obligations can be reduced, CALAFCO is on track for a net loss of approx. \$36,000. Staff is working on negotiations with the facility to see what can be done to reduce those obligations.

All CALAFCO Board meeting documents are available for member access on the CALAFCO website.

Welcome to Our Newest Associate Members

CALAFCO is pleased to welcome two new Silver Associate Members.

We welcome **Sloan Sakai Yeung & Wong, LLP** as a Silver Associate member. **Sloan Sakai** focuses on public agency law, LAFCo law, employment law, and labor/personnel relations. They currently serve as general counsel to Sacramento and Napa LAFCOs and have provided special counsel to LAFCOs, special districts, cities, and counties throughout California.

To learn more about **Sloan Sakai**, visit their website at www.sloansakai.com or contact **DeeAnne Gillick** at dgillick@sloansakai.com.

Sloan Sakai

Sloan Sakai Yeung & Wong LLP

We also welcome **Terranomics Consulting (TC)** as a Silver Associate member. **TC** provides consulting services for

News from the Board of Directors

CALAFCO QUARTERLY

February 2022

Page 2



urban and environmental planning, community and economic development, and GIS. More specifically, their primary activities include urban land economics, business geography, market and feasibility studies, housing studies, grant development and air dispersion modeling. For more information about *TC*, contact **Vince Zaragoza** at 661-421-2312 or by email at terranomics@hotmail.com.

CALAFCO Educational Events

MARK YOUR CALENDARS FOR THESE UPCOMING CALAFCO EDUCATIONAL EVENTS!

CALAFCO 2022 STAFF WORKSHOP

Join us **March 23- 25** at the **Hyatt Regency Newport Beach John Wayne Airport** when we get LAFCo staff together for the Workshop. It's been so long since we've gathered in person and the time is finally here! All Workshop details including info about the program, registration and hotel reservations are posted on the CALAFCO website.

Deadline to register for the Workshop is March 9 and hotel reservation cutoff date is February 22.

CALAFCO UNIVERSITY

We are pleased to continue offering webinars at no cost to our members. We **are rescheduling** the webinar originally scheduled for **February 23** on **Best Practices for Hiring in the New World (Post-Pandemic)** to a date in the near future. We will feature a labor/employment law attorney, recruiting firm executive, and an Executive Officer, all of whom will share the myriad of things we need to know as we navigate the new (and wild) labor market seeking the best candidates in this post-pandemic world. Watch for the new date and time of this great webinar coming soon.

Details for all CALAFCO University courses are on the CALAFCO website. We have a webinar on-demand library on the CALAFCO website inside the members section containing 16 webinars. CALAFCO members can access these webinars at any time for free using your member access website login credentials.

CALAFCO Administrative Update

A reminder the **2021 CKH Guides** are now available. You can download an electronic copy from the CALAFCO website or place an order for printed hard copies. You will



find all the details on the CALAFCO website at www.calafco.org.

CALAFCO is also doing the annual update of the **membership directory**, so please be sure to get your information to Jeni Tickler at jtickler@calafco.org.

STATEWIDE DUC MAPPING PROJECT COMPLETE

We are very pleased to report the update of the statewide map of disadvantaged unincorporated communities (DUCs) has been completed. The map will be updated every 5 years pursuant to statute. Further, the statewide map of LAFCos (by county) that links each county to your respective LAFCo website is also updated. CALAFCO is grateful to our Associate Member partner **RSG, Inc.** for undertaking this project. We especially thank **Jim Simon, Wesley Smith, Dianna Dunne-Vecchio** and **Jocelyn Sanchez**. We also thank **Seth Hendrick** of **Matson & Isom Technologies**, our web host, for their assistance with this mapping project.

You can find the DUC map on the [CALAFCO website here](#) and the [LAFCo-link map here](#).

LAFCos in the News

Congratulations to another retiree

After 21 years of serving Napa LAFCo as Commission Clerk, **Kathy Mabry** is retiring. Kathy has served Napa LAFCo with distinction over her long career with many accomplishments. She also served on many CALAFCO event planning teams for Staff Workshops and Conferences. We are grateful for her service and many contributions locally and statewide, and wish Kathy all the best in her retirement.



Los Angeles LAFCo Mourns the Loss of Former Commissioner Richard Close



Commissioner Close served on LA LAFCo from 1996-2021 in the special seat for the San Fernando Valley Area Member. He was a leader for years in the valley secession efforts. He is described by LA LAFCo as "bright, hard-working, and dedicated. He is remembered for his decades-long service to his local community, the San Fernando Valley, and the City of Los Angeles. The whole of Los Angeles County is a better place due, in many ways, to the work that [Commissioner Close] did for LAFCo, where his voice guided so many important decisions." CALAFCO's thoughts are with his family and LA LAFCo.



CALAFCO Legislative Update

January 3, 2022 marked the start of the second year in the 2-year legislative cycle. Once again the year is expected to be wild and unpredictable. The State has a large budget surplus which is creating all kinds of early budget negotiating, as is the influx of Federal money.

Legislators hit the ground running trying to move the large number of left-over 2-year bills through committee to meet deadlines. Looming deadlines left many of those leftover bills from 2021 on the cutting room floor and they are now designated as "dead". Now we will begin to see new bills for 2022 introduced.

For this legislative year the CALAFCO Board has identified several items as priority. First is the annual Omnibus bill which is authored by the Assembly Local Government Committee (ALGC) and sponsored by CALAFCO. Three proposals were approved by the Legislative Committee (Committee) and sent to the ALGC. Those proposals are now going through the broad stakeholder review process that occurs before the bill is introduced.

The second priority is to co-sponsor a legislative proposal with San Diego LAFCo to amend Gov. Code Sec. 56133 to explicitly state that exemptions pursuant to 56133(e) are to be approved by LAFCo. This is being done to curb agency self-exemptions which seem to be a growing problem across the state. For the past four months CALAFCO and San Diego LAFCo have been working on stakeholder outreach and attempting to secure an author. It is likely that CALAFCO will refocus these efforts to 2023. The Board will consider this at their April meeting.

The final priority as identified by the Board is to complete the work of the protest provisions rewrite working group. CALAFCO has been reporting to you for the past several years that we have been actively responding to several recommendations made in the 2017 Little Hoover Commission report (*Special Districts: Improving Oversight and Transparency*). Specifically, to address one of the recommendations, we initiated a working group of stakeholders in early 2019 to discuss the protest process for consolidations and dissolutions of special districts, specifically, the statutes related to LAFCo-initiated protest provisions and the 10% protest threshold while all other initiated actions have a 25% protest threshold.

The 18-member working group consists of seven CALAFCO representatives (including CALAFCO/CSDA Board member **Jo MacKenzie**, CALAFCO ED **Pamela Miller**, LAFCo legal counsel **Holly Whatley**, and EOs representing all 4 regions of CALAFCO including **José Henríquez** (Sacramento), **Steve**

Lucas (Butte), **Kai Luoma** (Ventura) and **Paul Novak** (LA); seven CSDA representatives (including one of their lobbyists, legal counsel and five members representing water, fire, resource conservation and community services districts), representatives from the League of CA Cities and from the CA State Association of Counties, as well as the consultants from the Assembly Local Government and Senate Governance & Finance Committees.

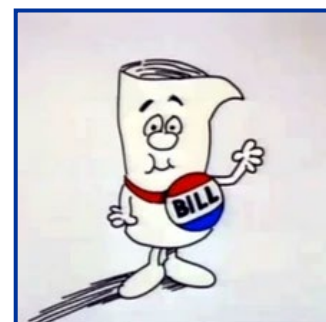
We are pleased to report that after three years of work and

extensive negotiations, the deliverables of the working group have been completed. The entire working group gave consensus on the redraft of existing scattered protest code sections within CKH into a single code section to simplify the reading of the code section. Further, agreement was reached on specific circumstances in which a LAFCo can initiate dissolution using the 25% protest threshold. The CALAFCO Board and Legislative Committee both unanimously approve and support this legislation and CSDA has also gone on record supporting the concept of the pending legislation.

CALAFCO issued a bulletin on the pending legislation and all deliverables for the working group on February 2, 2022. Senator Hertzberg will author

the legislation and our lead co-author is Assemblymember Mayes. For more information on this CALAFCO sponsored legislation (pending bill introduction), please refer to the February 2 bulletin.

All the Legislative Committee meeting documents are located on the CALAFCO website and are available for those with member access. You can also find the CALAFCO tracked legislation on the website. This report is updated daily.





CALAFCO Associate Members' Corner



This section is dedicated to highlighting our Associate Members. The information below is provided to CALAFCO by the Associate member upon joining the Association. All Associate member information can be found in the CALAFCO Member Directory.

Berkson Associates



A Silver Associate member since 2015, **Berkson Associates** provides clear,

concise analysis for preparation of governance studies including district formation, consolidation and dissolutions, and has extensive experience completing incorporation studies. Expertise also includes market analysis, public agency budget forecasting and demographic/housing analysis in support of MSRs. Fiscal and financial analysis of water and wastewater systems, including Plans for Service for annexations and formations. For more information, contact **Richard Berkson** at richard@berksonassociates.com. You can also visit their website at www.berksonassociates.com.

Rosenow Spevacek Group, Inc.



A long-time Associate member (both Gold and now Silver), **RSG** performs fiscal and reorganizational studies for LAFcos and applicants with the goal of establishing a factual, transparent and credible basis for their clients to make informed decisions. **RSG** prepared Placer LAFco's comprehensive fiscal analysis for the most recent incorporation proposal in California (Olympic Valley, 2017), preliminary feasibility studies for incorporation in Malaga (Fresno County, 2018), as well as several reorganization proposals and MSRs. To learn more about **RSG**, visit their website at www.webrsg.com or contact **Jim Simon** at jsimon@webrsg.com.

CALAFCO wishes to thank all our Associate Members for your ongoing support and partnership. We look forward to continuing to highlight you in future Quarterly Reports.

Did You Know??



CALAFCO Webinars & Courses Archived
Did you know that all **CALAFCO Webinar recordings** are archived on the **CALAFCO website** and available at no cost for on-demand viewing? Visit the CALAFCO website in the CALAFCO Webinars section (log in as a member first). **There are 52 CALAFCO U courses archived**

and 16 webinars are archived and available for on-demand viewing!

Meeting Documents Online

Did you know that all **CALAFCO Board of Directors and Legislative Committee meeting documents** are online? Visit the Boards & Committees pages in the Members Section of the site. Board documents cover 2008 to present and Legislative Committee documents span 2007 to present.

Career and Consulting Opportunities Posted Online

Did you know that **CALAFCO posts career opportunities for our member LAFcos and Associate Members on our website**? Did you know that **we also post consulting opportunities with our LAFcos for our Associate Members on the website**? Visit the Job Announcements page at <https://calafco.org/resources/job-announcements> for all the latest opportunities.



Mark Your Calendars For These Upcoming CALAFCO Events

- ❖ CALAFCO Leg meeting – 3/11 (virtual)
- ❖ CALAFCO Staff Workshop – 3/23 – 3/25 (Newport Beach)
- ❖ CALAFCO Board of Directors meeting – 4/22 (location TBD)
- ❖ CALAFCO Leg meeting – 4/29 (virtual)

The **CALAFCO 2022 Calendar of Events** can be found on the CALAFCO website.

