



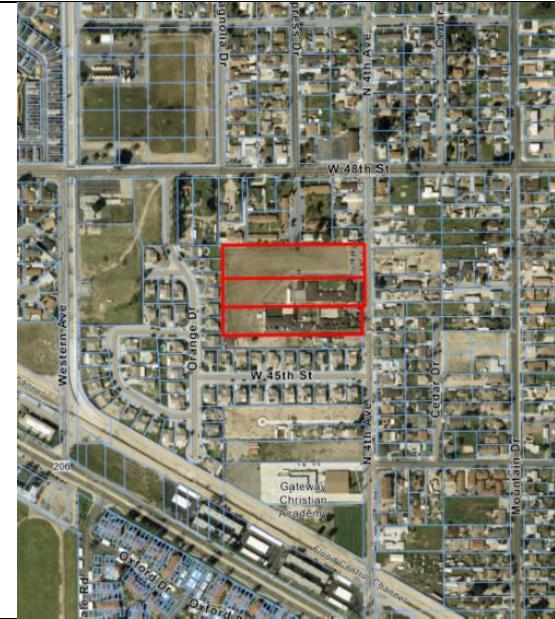
# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: January 8, 2026

AGENDA ITEM 2

## PROJECT DESCRIPTION

APN: 0265-141-12, -15 and - 24  
Applicant: DSK Architects  
Community: San Bernardino  
Location: 4158 North 4<sup>th</sup> Avenue  
Project No: PVAR-2025-00080  
Staff: Oliver Mujica  
Rep: Randy Dettmer  
Proposal: Major Variance to allow the reduction from 1400.5 to 1398.2 a portion of the finished floor of the proposed building elevation to be one (1) foot above the highest adjacent ground and not one (1) foot above the natural pre-developed highest adjacent grade for the previously approved Shandin Hills Mental Healthcare Rehabilitation Center expansion project (PROJ-2022-00173) on 5.9 acres.



77 Public Hearing Notices Sent on: December 23, 2025

Report Prepared By: Oliver Mujica, Contract Planner III

## SITE INFORMATION

Parcel Size: Approximately 5.9 acres

Vegetation: Landscaping and scattered natural vegetation

**TABLE 1: SITE AND SURROUNDING LAND USES AND ZONING**

AREA	EXISTING LAND USE	LAND USE CATEGORY	LAND USE ZONING DISTRICT
SITE	Existing Structures and Vacant Property	Low Density Residential (LDR)	Multiple Residential (RM)
North	Single-Family Residences	Low Density Residential (LDR)	Multiple Residential (RM)
South	Single-Family Residences	City of San Bernardino	City of San Bernardino
East	Single-Family Residences	Low Density Residential (LDR)	Multiple Residential (RM)
West	Single-Family Residences	City of San Bernardino	City of San Bernardino

City Sphere of Influence: N/A  
Water Service: San Bernardino Municipal Water District  
Sewer Service: San Bernardino Municipal Water District

Agency

Comment

N/A

Will Serve

Will Serve

### **STAFF RECOMMENDATION**

That the Planning Commission: **FIND** that the approval of the Major Variance is exempt from CEQA; **ADOPT** the Findings in support of the Major Variance; **APPROVE** the Major Variance allowing a portion of the finished floor of the building elevation to be one (1) foot above the highest adjacent ground and not one (1) foot above the natural pre-developed highest adjacent grade for the previously approved Shandin Hills Mental Healthcare Rehabilitation Center expansion project (PROJ-2022-00173) on 5.9 acres, subject to the Conditions of Approval; and **DIRECT** the Land Use Services Department to file the Notice of Exemption in accordance with CEQA.

**FIGURE 1: REGIONAL MAP**

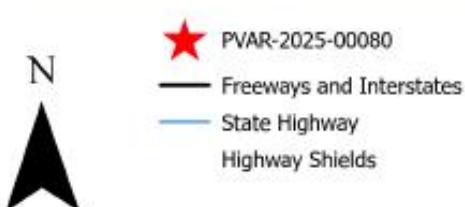
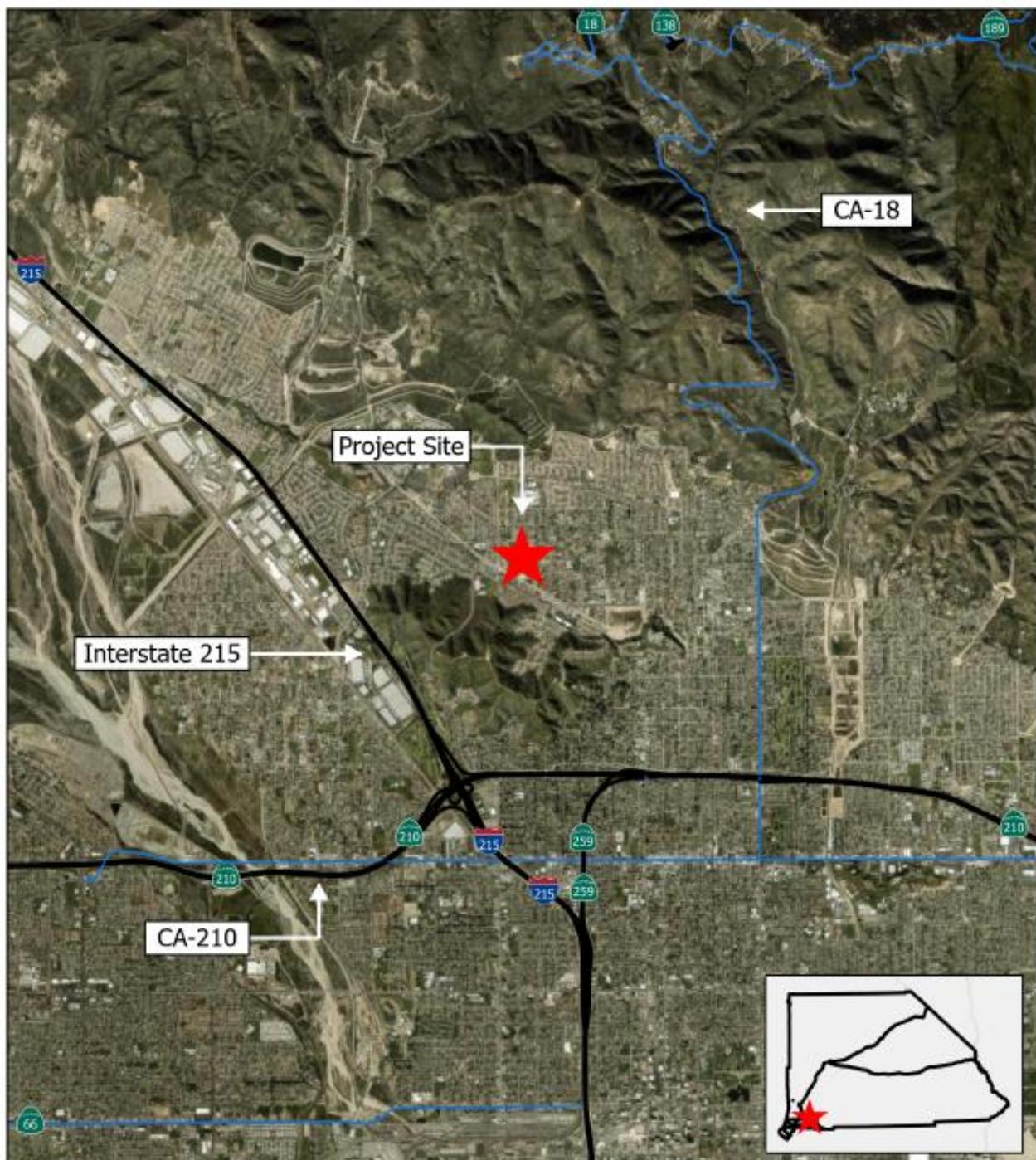


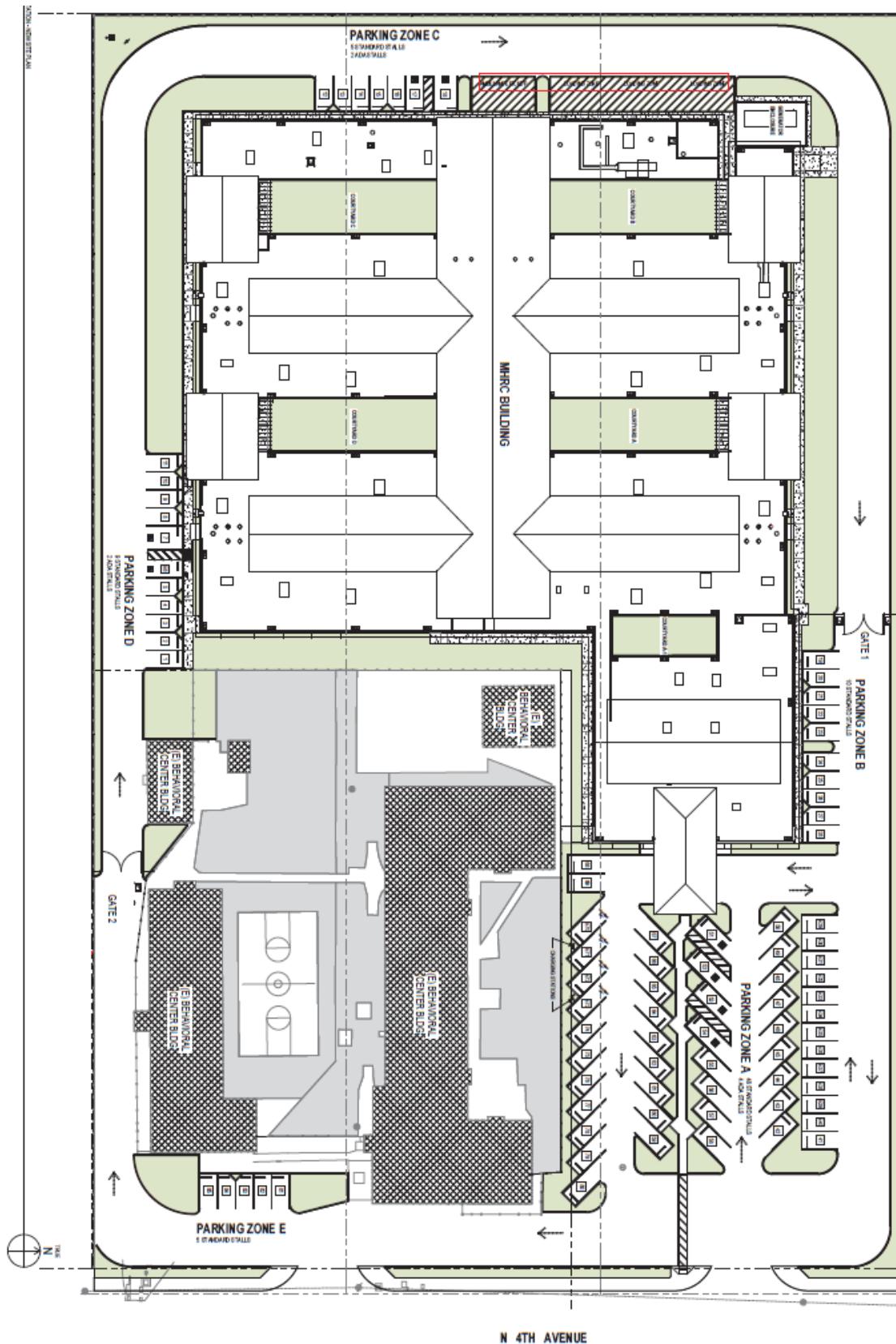
FIGURE 2: VICINITY MAP



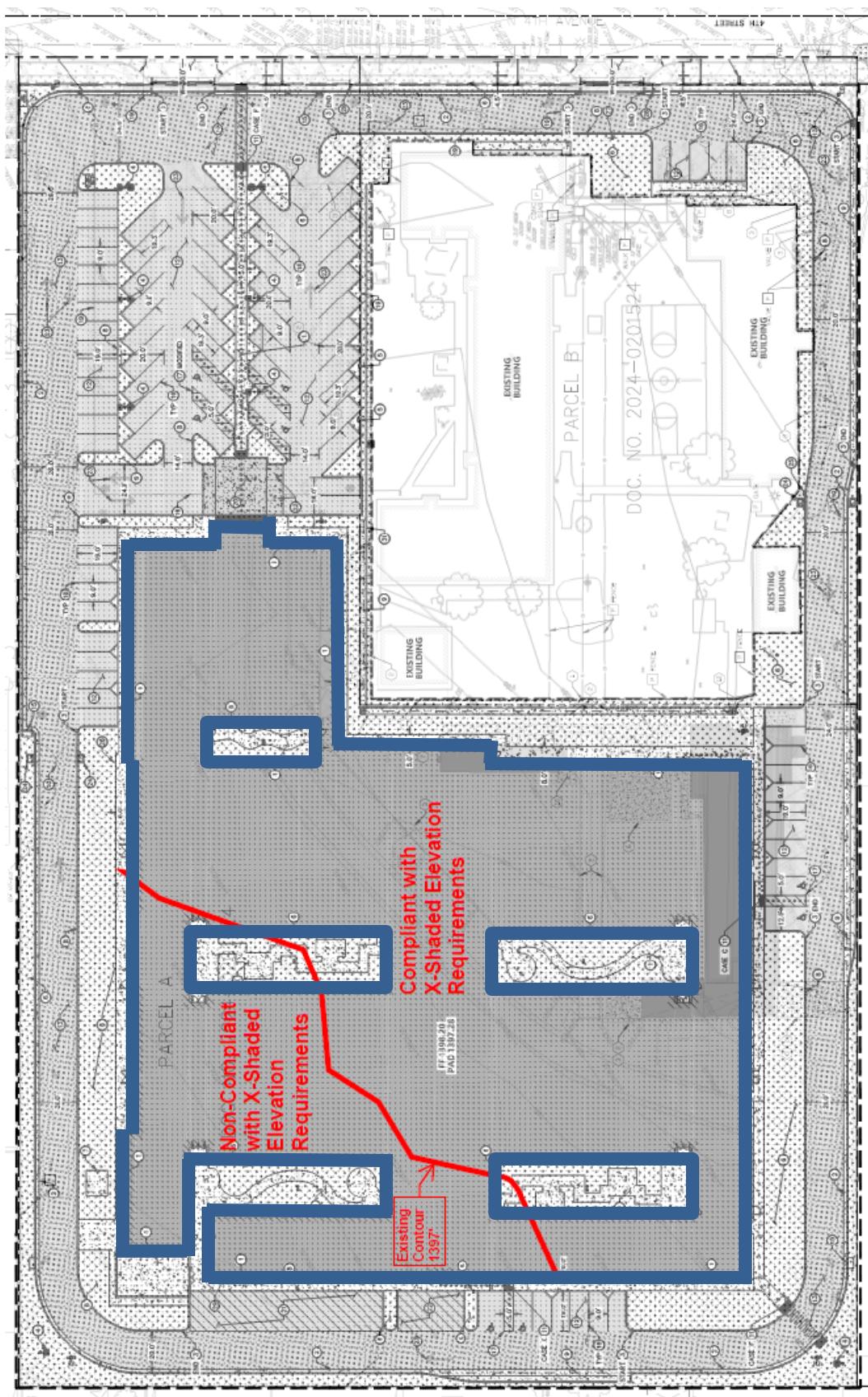
**FIGURE 3: PROJECT SITE**



#### FIGURE 4: PREVIOUS APPROVED DEVELOPMENT



**FIGURE 5: PROPOSED GRADING PLAN**



## **BACKGROUND AND PROJECT DESCRIPTION**

### Property History

On December 19, 2024 (Item No. 3), the Planning Commission approved a Conditional Use Permit (PROJ-2022-00173) to construct and operate a new licensed mental health rehabilitation center containing 71,713 square feet for 198 resident patients. This new building for the existing Shandin Hills Mental Healthcare Rehabilitation Center (MHRC) expanded the existing licensed behavioral/physical health center containing 18,714 square feet for 78 recovering patients. With the new building, the Shandin Hills MHRC will contain a total of 90,427 square feet for 276 recovering patients on a 5.9-acre project site.

### Proposed Project

Subsequent to the approval of the Conditional Use Permit, the Applicant has been in the process of completing the grading and building permits. As the approval of the grading permit was near completion, it was identified that the building floor elevation does not comply with Development Code Section 82.14.040(b)(1) (Floodplain Safety Review Areas) for development located within an 100 to 500-year floodplain. Developments located within the 100 to 500-year floodplain are required to comply with the following elevation standards:

- “(b) 100 to 500-year Floodplain. This area includes areas between limits of the base flood (100-year flood) and a 500-year flood; and certain areas subject to 100-year flooding with an average depth of less than one foot or where the contributing drainage areas are less than one square mile; or areas protected by levees from the base flood. The following are the FEMA-designated flood hazard zones for this area: A-99 and the shaded Zone X. The following standards shall apply to property within these zones:*
- (1) Elevation of First Floor. New construction and substantial improvement of any structure shall be so constructed that the first floor (including basement) shall be one foot above the natural pre-development highest adjacent grade.*
  - (2) Review Procedures. A project proposed in this area shall be subject to a Floodplain Development Standards Review conducted by the Building and Safety Division based upon the determination by the Land Development Division of the Land Use Services Department. This review shall ensure that the proposed project complies with this County Code regarding flood protection measures.”*

Exceptions may be obtained to floodplain safety overlay standards through the variance procedure. Accordingly, pursuant to Development Code Section 82.14.060 (Variances), the Applicant submitted a request for a Major Variance to allow a portion of the finished floor of the proposed building elevation to be one (1) foot above the highest adjacent ground and not one (1) foot above the natural pre-developed highest adjacent grade as required by Development Code Section 82.14.040(b)(1) for the previously approved Shandin Hills MHRC project. A copy of the Applicant's justification letter, dated September 8, 2025, is attached as Exhibit D.

## **PROJECT ANALYSIS**

### Site Design:

The project site has a gentle slope with an elevation change of approximately ten (10) feet from the northwest corner to the southeast corner. The proposed building has a finished floor elevation of 1398.20. However, the natural pre-developed highest adjacent grade at the northwest corner of the project site is 1399.5. This is below the Development Code requirement for the proposed building by 2.3 feet.

As shown in Figure 5, a natural pre-developed grade of 1397 traverses diagonally across the rear portion of the proposed building. With a finished floor elevation of 1398.20 the proposed building exceeds the Development Code requirement by 1.2 feet. As a result, approximately eighty (80) percent of the proposed building complies with the Development Code.

Proposed Grading Plan Analysis:

The Applicant's grading plan has demonstrated the following, as summarized in their justification letter:

- Project and Floodplain Summary. The project site is within a Federal Emergency Management Agency (FEMA) designated Zone X, which is a 500-year flood hazard area (0.2% annual chance). This is outside the 100-year flood Special Flood Hazard Area (SFHA). The nearest 100-year floodplain is along the Devil Creek Channel, whose regulatory floodway boundary lies approximately 575 feet south of the proposed building. No portion of the proposed building encroaches into the FEMA floodway or the 100-year floodplain.

Consequently, by its location, the proposed building cannot affect the water surface elevation of the base 100-year floodplain. Specifically, as follows:

- The 100-year flood Base Flood Elevation is approximately 1387 feet near the project site.
- The proposed building's finished floor elevation is 1398.20 feet, which is about 11 feet higher than the 100-year Base Flood Elevation of approximately 1387 feet.
- The proposed building's footprint is approximately 575 feet outside the floodplain. Additionally, the project site's lowest elevation of 1388 along 4<sup>th</sup> Avenue is above the 100-year flood level.
- Regulatory Basis. Both FEMA's National Flood Insurance Program regulations and San Bernardino County's (County) floodplain management ordinance confirm that a hydraulic "no-rise" analysis is only mandatory for developments within a regulatory floodway, not for projects outside of it:
  - FEMA requires communities to "*prohibit encroachments ... within the adopted regulatory floodway unless it has been demonstrated via hydrologic and hydraulic analyses... that the proposed encroachment would not result in any increase in flood levels during the base flood.*" However, this requirement does not apply to the proposed project because it is outside a floodway.
  - San Bernardino County Floodplain Regulations: The County's flood zone development standards mirror FEMA's. Floodway areas (within Zones A/AE) are recognized as extremely hazardous - "No construction is permitted [there] without the submission of a HEC-RAS analysis showing post-development shall have no rise in water surface elevation". By contrast, Zone X (shaded) is a moderate hazard area (500-year flood zone) where only an elevation requirement applies (finished floor 1 foot above natural ground). There is no requirement for a hydraulic model or No-Rise analysis in Zone X, because these areas are outside the SFHA. The project fully complies with the Zone X building standards (it provides the 1-ft freeboard above ground), and it is well beyond any floodway. Therefore, pursuant to County guidelines, no HEC-RAS floodway encroachment analysis is warranted.

In summary, because the project is not in a FEMA floodway or 100-year floodplain, formal no-rise hydraulic analyses are not mandated by FEMA or the County. The Applicant evaluated the site's characteristics to ensure and certify that the project will have no impact on 100-year flood levels.

Technical Justification:

- The project site is located about 700 feet from the active floodplain of the Western Avenue Channel, and the proposed project will not interfere with 100-year flood flows.
- The proposed building has a finished floor elevation of 1398.2 feet, which is approximately 0.2 inches below the 100-year flood elevation; however, based on the most current FEMA FIRM map, the building site lies outside the mapped 100-year floodplain.
- The project includes a robust on-site drainage design that further ensures no adverse impact on flooding: a new infiltration basin at the northeast corner of the site is sized to capture and infiltrate the entire 100-year storm runoff volume on-site. This results in a no rise condition downstream of the project site.
- The grading plan has been designed so that if an extreme flood or local overflow were to occur, overland flow can pass through the site without impacting the structure. There is at least 1 foot of clearance between the finished floor and the surrounding ground, and contoured swales will direct any sheet flow around the building. The natural grade adjacent to the building ties back into existing ground elevations at the property boundaries, maintaining existing drainage paths. This configuration guarantees that the project will not obstruct or dam any potential surface flows. Therefore, even considering extreme or 500-year flood conditions, water will bypass the building without any backing-up of water or inundation of the habitable space.

Findings in support of the Major Variance are included in Exhibit A.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE**

An Initial Study/Mitigated Negative Declaration (IS/MND) was previously prepared in compliance with the California Environmental Quality Act (CEQA) in connection with the Conditional Use Permit (PROJ-2022-00173) related to the Shandin Hills MHRC development. The IS/MND included a Preliminary Hydrology and Hydraulics Report, and a Preliminary Water Quality Management Plan prepared by BKF Engineers. The IS/MND concluded that the project will not have a significant effect on the environment with the implementation of mitigation measures related to the project's impacts, including drainage and water quality. On December 19, 2024, the Planning Commission adopted the IS/MND and Mitigation Monitoring and Reporting Program for the Shandin Hills MHRC project.

Pursuant to the guidelines under Section 15061(b)(3) of the CEQA Guidelines (Title 14 CCR, Sections 15000-15387), a project (PVAR-2025-00080) is exempt from CEQA if: *"[t]he activity is covered by the general rule common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."*

The Department has determined that this application (PVAR-2025-00080) qualifies for this CEQA exemption based on the following:

- As analyzed in the adopted IS/MND, the project site is located within FEMA Flood Zone X (0.2 percent annual chance flood hazard, areas of 1 percent annual chance flood with average depth less than one foot, or with drainage areas of less than one square mile). This area is classified as Other Areas of Flood Hazard, and not a Special Flood Hazard Area. The project site has a low flood hazard risk; additionally, the project has been designed in accordance with surface hydrology design requirements and siltation and erosion control measures. As a result, the project would result in less than significant impacts to impede or redirect flood flows or result in flooding off-site.

With adherence to the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit and MS4 Permit, and implementation of the Water Quality Management Plan, associated Best Management Practices (BMPs), and proposed drainage improvements for the project site, the project would not result in substantial erosion or siltation on- or off-site, substantially increase the rate or amount of surface runoff in a manner which would result in flooding, create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or impede or redirect flood flows.

- A Preliminary Water Quality Management Plan (WQMP) has been prepared with the objectives to control contaminants into storm drain systems, educate the public about stormwater impacts, detect and eliminate illicit discharges, control runoff from construction sites, and implement BMPs and site-specific runoff controls and treatments. The WQMP prepared for the project contains nonstructural and structural source control BMPs to be implemented as part of the project design, including but not limited to the following:
  - Nonstructural source control BMPs: water conservation practices; litter/debris control program; employee training; vacuum sweeping of private streets and parking lots; and catch basin inspection program.
  - Structural source control BMPs: trash and waste storage areas designed to reduce pollutant release; implementation of efficient irrigation systems and landscape design; smart controllers and source control; and finish grade of landscaped areas at a minimum of 1-2 inches below top of curb, sidewalk, or pavement.
  - The Preliminary Hydrology and Hydraulics Report prepared for the project concluded that in order to meet the County zero net impact on existing storm drain system policy, the project must include an underground retention facility that will require a pump to drain. The underground retention facility would also collect and infiltrate run-off from impervious areas, serving as the LID practice to be implemented as part of the Project. With adherence to the requirements of the NPDES Permit, MS4 Permit, and WQMP, the project would not violate any water quality standards or waste discharge requirements during operation and would not otherwise substantially degrade surface or ground water quality. Impacts would be less than significant.

Therefore, the proposed Major Variance (PVAR-2025-00080) is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

### **PUBLIC COMMENTS**

On November 28, 2025, a Project Notice was mailed to the 77 surrounding property owners within 300 feet of the Project site, as required by Section 85.03.080 of the Development Code. No public comments were received.

### **NOTICE OF HEARING**

On December 23, 2025, a Notice of Hearing was mailed to the 77 surrounding property owners within 300 feet of the project site, as required by Section 86.07.020 of the Development Code. No public comments were received.

## **RECOMMENDATION**

That the Planning Commission take the following actions:

- 1) FIND** that the approval of the Major Variance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Environmental Quality Act Guidelines.
- 2) ADOPT** the Findings in support of the Major Variance (EXHIBIT A);
- 3) APPROVE** the Major Variance allowing a portion of the finished floor of the building elevation to be one (1) foot above the highest adjacent ground and not one (1) foot above the natural pre-developed highest adjacent grade for the previously approved Shandin Hills Mental Healthcare Rehabilitation Center expansion project (PROJ-2022-00173) on 5.9 acres, subject to the recommended Conditions of Approval (EXHIBIT B); and
- 4) DIRECT** the Land Use Services Department staff to file the Notice of Determination in accordance with the California Environmental Quality Act.

## **ATTACHMENTS:**

- EXHIBIT A: Findings for Major Variance  
EXHIBIT B: Conditions of Approval  
EXHIBIT C: Project Plan  
EXHIBIT D: Letter from Applicant

# **EXHIBIT A**

**FINDINGS: VARIANCE.** Major Variance (PVAR-2025-00080) to allow a portion of the building finished floor elevation to be one (1) foot above highest adjacent ground and not one (1) foot above the natural pre-developed highest adjacent grade pursuant to San Bernardino County Development Code Section 82.14.040(b)(1) for the previously approved Shandin Hills Mental Healthcare Rehabilitation Center expansion project (PROJ-2022-00173) on 5.9 acres (Project). The following are the required findings per the San Bernardino County Development Code Section 82.14.060 and supporting facts for approval of the Major Variance:

- 1. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with the provisions of this regulation or renders the elevation standards of the building code inappropriate.**

The Project site exhibits a significant elevation difference from the lot frontage to the back end of the property. This topographic condition makes strict compliance with San Bernardino County (County) regulation impractical, specifically elevating the building above the "pre-development" grade. If the building were constructed to meet this standard, the finished floor elevation would be substantially higher than the adjacent existing structures, resulting in steep grade transitions, non-accessible walking surfaces, and overall site non-conformance with accessibility requirements. Such a design would also negatively impact the relationship of the new building to its surroundings and could create functional and aesthetic challenges.

However, the existing grades on the site allow for an alternative engineering solution that is consistent with Federal Emergency Management Agency (FEMA) regulations for Zone X (shaded) floodplains. The proposed design elevates the finished floor a minimum of one (1) foot above the natural highest adjacent ground, ensuring safe drainage and compliance with the intent of floodplain management standards. This approach achieves the necessary flood safety objectives without imposing unreasonable or impractical requirements due to the unique topography of the site.

- 2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.**

If the variance is not granted, the strict application of the elevation standard (lowest floor above "pre-development" grade) would prevent the Project from proceeding, as portions of the site's natural grade and configuration do not allow for uniform elevation without significant re-grading or loss of developable area. The Project team has explored alternatives, but the physical characteristic of concern being the significant grade difference from the front to the back of the lot, limits compliance and would make the lot undevelopable for its intended use without the requested variance.

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- 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public or conflict with existing laws or ordinances.**

The proposed grading plan ensures that water will be conveyed safely around the structure, maintaining a minimum 1-foot from finished grade to finished surface in the flow path, and will discharge freely to existing grades at the downstream limits. Additionally, as required during the County review of the drainage and water quality management plan, the site includes a robust underground detention and retention system, sized to hold and infiltrate the entire storm volume up to the 100-year event from all site drainage inlets. This system alleviates any expected flooding concerns in the majority of storm events. The design does not increase flood heights or pose additional threats to public safety. It is consistent with FEMA guidance for Zone X (shaded) areas and does not conflict with FEMA regulations. There is no evidence that the variance would create public expense, nuisances, or legal conflicts. The Project remains compliant with the intent of the County's floodplain management ordinance and FEMA's National Flood Insurance Program (NFIP) participation requirements, as Zone X (shaded) areas are not subject to NFIP floodplain management standards.

- 4. The variance is the minimum necessary, considering the flood hazard, to afford relief and is consistent with the objectives of sound floodplain management.**

The requested variance is limited to allowing the finished floor to be elevated above the natural highest adjacent ground, rather than strictly above "pre-development" grade. This approach is the minimum necessary to address the site's unique characteristics while maintaining flood safety. The design is consistent with sound floodplain management, as it provides equivalent protection against moderate flood hazards and aligns with both County and FEMA guidance for Zone X (shaded) areas. The Project does not seek relief beyond what is necessary to make the site developable and safe.

**ENVIRONMENTAL FINDINGS:**

The environmental findings, in accordance with Section 85.03.040 of the San Bernardino County Development Code, are as follows:

Pursuant to the provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the County finds that there is no substantial evidence in light of the whole record that the above referenced Project may have a significant effect on the environment pursuant to CEQA Guidelines §15061(b)(3) and in light of the already adopted Mitigated Negative Declaration (MND) and Mitigation Monitoring Program.

# **EXHIBIT B**



## Conditions of Approval

<b>Record:</b>	PVAR-2025-00080	<b>System Date:</b>	12/29/2025
<b>Record Type:</b>	Variance	<b>Primary APN:</b>	0265141120000
<b>Record Status:</b>	In Review	<b>Application Name:</b>	SHANDIN HILLS MHRC MAJOR VARIANCE
<b>Effective Date:</b>	<b>Expiration Date:</b>		
<b>Description:</b>	SHANDIN HILLS MHRC - MAJOR VARIANCE (MENTAL HEALTH FACILITY)		

A MAJOR VARIANCE TO ALLOW THE FINISHED FLOOR OF THE PROPOSED BUILDING ELEVATION TO BE ONE (1) FOOT ABOVE THE HIGHEST ADJACENT GROUND AND NOT ONE (1) FOOT ABOVE THE NATURAL PRE-DEVELOPED HIGHEST ADJACENT GRADE PURSUANT TO THE REQUIREMENTS OF SAN BERNARDINO COUNTY DEVELOPMENT CODE SECTION 82.14.040(b)(1) FOR THE PREVIOUSLY APPROVED SHANDIN HILLS MENTAL HEALTHCARE REHABILITATION CENTER EXPANSION PROJECT (PROJ-2022-00173) ON 5.9 ACRES, LOCATED AT 4158 NORTH 4TH AVENUE, WITHIN THE LOW DENSITY RESIDENTIAL (LDR) LAND USE CATEGORY AND MULTIPLE RESIDENTIAL (RM) ZONING DISTRICT; 5TH SUPERVISORIAL DISTRICT; APN'S: 0265-141-12, 15, and 24.

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

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

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

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

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

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

### ON-GOING

#### Land Use Services - Planning

- 1 **Condition Compliance** - Status: Outstanding

The project shall comply with of the Conditions of Approval for PROJ-2022-00173.

## External Agencies

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

This Major Variance is conditionally approved to allow the finished floor of the proposed building elevation to be one (1) foot above the highest adjacent ground and not one (1) foot above the natural pre-developed highest adjacent grade pursuant to the requirement of San Bernardino County Development Code Section 82.14.040(b)(1) for the previously approved Shandin Hills Mental Healthcare Rehabilitation Center expansion project (PROJ-2022-00173) on 5.9 acres, 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 Condition of Approval for PROJ-2022-00173, the approved site plan, and all other required and approved reports. 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.

3 **Project Location** - Status: Outstanding

The Project site is located at 4158 North 4th Avenue.

4 **Revisions** - Status: Outstanding

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

5 **Indemnification** - Status: Outstanding

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

**6 Expiration - Status: Outstanding**

This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either: (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

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

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

**8 Project Account - Status: Outstanding**

The Project account number is PVAR-2025-00080. 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.

## PRIOR TO OCCUPANCY

### Land Use Services - Planning

**9 Fees Paid - Status: Outstanding**

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 PVAR-2025-00080.

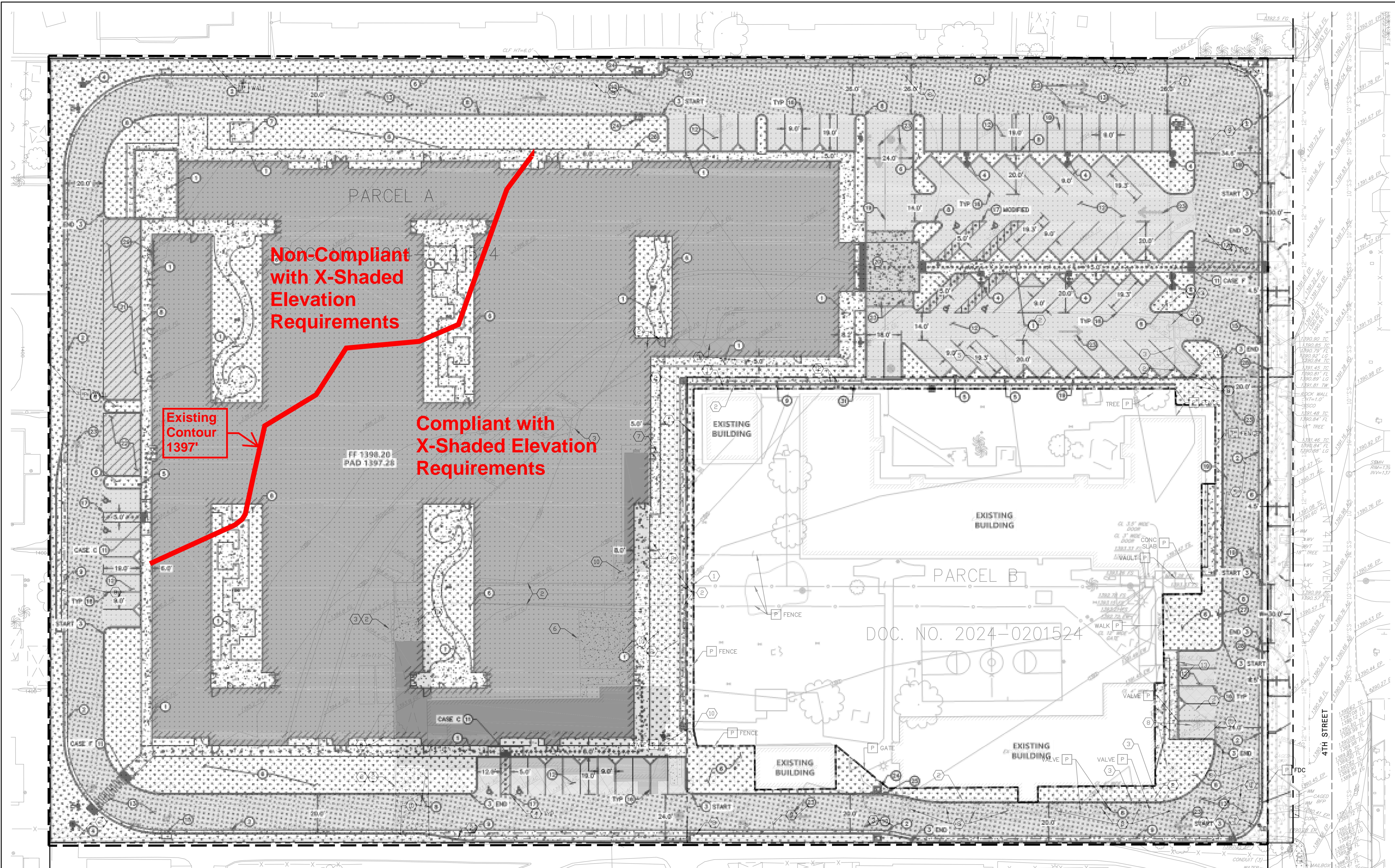
**10 Condition Compliance - Status: Outstanding**

Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.

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

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	<a href="https://lus.sbcounty.gov/">https://lus.sbcounty.gov/</a>	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	<a href="https://www.sbcfire.org/">https://www.sbcfire.org/</a>	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	<a href="https://dpw.sbcounty.gov/">https://dpw.sbcounty.gov/</a>	
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Web Site	<a href="https://ehs.sbcounty.gov">https://ehs.sbcounty.gov</a>	
Local Agency Formation Commission (LAFCO)		(909) 388-0480
Web Site	<a href="http://www.sbcclfco.org/">http://www.sbcclfco.org/</a>	
	Water and Sanitation	(760) 955-9885
	Administration,	
	Park and Recreation,	
Special Districts	Roads, Streetlights,	(909) 386-8800
	Television Districts, and Other	
External Agencies (Caltrans, U.S. Army, etc.)		<i>See condition text for contact information...</i>

# EXHIBIT C


**DEMOLITION GENERAL NOTES**

1. PROTECT ALL EXISTING UNDERGROUND UTILITIES UNLESS OTHERWISE NOTED ON THE PLAN.
2. UTILITIES SHOWN ON THIS PLAN ARE DERIVED FROM RECORD DATA, SURFACE OBSERVATION, AND FIELD SURVEY. ACTUAL LOCATION AND SIZE, WHETHER WITH THE PRESENCE OF ANY ADDITIONAL UTILITIES NOT SHOWN ON THIS PLAN, SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO COMMENCING DEMOLITION ACTIVITIES.
3. REFER TO CIVIL IMPROVEMENT PLANS FOR LIMITS OF IMPROVEMENT PRIOR TO COMMENCING DEMOLITION ACTIVITIES.
4. PROTECT ALL OFFSITE FEATURES NOT EXPRESSLY NOTED FOR DEMOLITION OR IMPROVEMENT ON THIS PLAN.

**QUANTITIES & DEMOLITION LEGEND**

3,794 SF		DEMOLISH EXISTING SITE IMPROVEMENTS AND FEATURES (CONCRETE PAVEMENT, GUTTER, BOLLARDS, FENCES, RAMPS, ETC.)
26,570 SF		DEMOLISH EXISTING AC PAVEMENT AND BASE TO SUBGRADE. REMOVE ANY FOOTINGS/BASES UNDER BOLLARDS, PARKING SIGNS, ETC.
163,390 SF		CLEAR & GRUB EXISTING LANDSCAPE AREA. REMOVE IRRIGATION LINES.
6,770 SF		EXISTING BUILDING TO BE DEMOLISHED
		LIMITS OF WORK
		SAWCUT LINE
		RIGHT OF WAY
		PROPERTY LINE
		C LINE
		EASEMENT LINE

**DEMOLITION KEYNOTES**

- P** PROTECT IN PLACE, SEE DEMOLITION GENERAL NOTES 2 & 3
- 1** SAWCUT FULL DEPTH OF EXISTING HARDCAPE
- 2** REMOVE CHAIN LINK FENCE
- 3** REMOVE GATE
- 4** REMOVE STRIPING
- 5** REMOVE EX. LIGHT POLE
- 6** REMOVE POST
- 7** REMOVE WOODEN RAMP
- 8** REMOVE EX. TREE
- 9** DEMOLISH EX. ASPHALT PAVEMENT
- 10** DEMOLISH EX. CONCRETE
- 11** REMOVE MAILBOX
- 12** REMOVE WATER UTILITIES
- 13** REMOVE BOLLARD



GRAPHIC SCALE

# EXHIBIT D



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Newport Beach, CA 92660  
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## Memorandum

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**Date:** September 8, 2025 **BKF Job Number:** C20211615-10

**To:** Kusal Weerasinghe  
County of San Bernardino  
Land Development  
Land Use Services Department

**From:** Dan Villines, PE  
BKF Engineers

**Subject:** Shandin Mental Healthcare Rehab Center Project, FEMA Zone X Floodplain

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BKF understands that the San Bernardino County (County) Land Development Division has concerns over the proposed development of the Shandin Mental Healthcare Rehab Center located at 4164 N. 4th Avenue, San Bernardino, California (Project). These concerns stem from the Project's location in a Zone X floodplain as depicted on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C7945H. Attachment A shows the Project's location as a red pin on a reduced view of the FIRM.

County Ordinance No. 4469 (Ordinance) provides development standards for structures that will be located in a FEMA Floodplain. There are two primary purposes for the Ordinance which are:

1. To Comply with FEMA regulations required for participation in National Flood Insurance Program.
2. To serve the public health, safety and welfare of the County.

This memorandum intends to demonstrate that the Project is in compliance with the above-stated purposes of the Ordinance, and that the intent of the Ordinance is being achieved with the Project's currently proposed configuration.

### National Flood Insurance Program Compliance

Participation in the National Flood Insurance Program (NFIP) requires that participating communities pass ordinances that regulate development within Special Flood Hazard Areas (SFHA). A SFHA is generally defined as the land within a flood plain that is subject to a 1 percent or greater chance of flooding in any given year. [Code of Federal Regulations (CFR) for the National Flood Insurance Program: 44 CFR Part 59]. County Ordinance No. 4469 fulfills the NFIP requirements.

However, County Ordinance No. 4469 exceeds the requirements for NFIP participation in that it also regulates development within areas that are outside SFHAs such as areas designated as Zone X on the FIRM. FEMA's publication, "User's Guide to Technical Bulletins Developed in Accordance with the National Flood Insurance Program," NFIP Technical Bulletin 0, January 2021, provides the following definition of Zone X floodplains:



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"Zone X identifies areas outside the SFHA. Zone X (shaded) identifies two areas of moderate flood hazard: (1) areas subject to inundation by the flood that has a 0.2 percent chance of being equaled or exceeded during any given year (commonly called the '500-year flood') and (2) areas protected by accredited levee systems. Zone X (unshaded) identifies areas of minimal flood hazard, which are outside the 500-year floodplain. **The NFIP floodplain management requirements do not apply in Zone X.**"

Given that the proposed Project is located in a Zone X floodplain, the regulation of the Project through County Ordinance No. 4469 is not necessary for NFIP participation or compliance. The development of the Project will not compromise the County's participation in the NFIP because NFIP floodplain management requirements do not apply in Zone X. Thus, the Project is in compliance with the first stated purpose of County Ordinance No. 4469 in that the Project's location is not in area that requires flood risk regulation per the NFIP.

#### **Public Health, Safety and Welfare of the County**

The second purpose of County Ordinance No. 4469 intends to provide safety from flooding throughout the County. The ordinance recognizes that areas of moderate flood hazard may experience overland flows for events that exceed a 1 percent or greater chance of flooding in any given year, for instance, the 500-year flood. Thus, for Zone X areas, County Ordinance No. 4469 provides the following development standards:

"In a Shaded X Zone (the 100- to 500-year floodplain), [set the lowest floor] elevated one foot above the natural pre-development highest adjacent grade."

While the Ordinance ensures that the lowest floor of a new structure will be elevated above the surrounding ground, it's use of the words "pre-development" to describe that ground neglects to recognize that there are other engineering approaches to development within in Zone X areas that would provide for equivalent levels of safety.

In fact, active County guidance provided on their Land Use Services Department website does not use the words "pre-development," which indicates that other means to achieve safety in Zone X (shaded) areas exist. The website states:

"A Project located within Flood Zone X Shaded will require the first floor to be elevated a minimum 1 foot above the natural highest adjacent ground in compliance with SBC regulations."

<https://lus.sbcounty.gov/faqs/what-are-flood-zones-and-what-are-the-requirements-for-them/>

The proposed Project approaches safety in the Zone X (shaded) area in a manner that is in agreement with the County's active guidance website. It proposes to create a lowest finished floor that is elevated a minimum of 1 foot above the natural highest adjacent ground surrounding the structure. Furthermore, the natural highest adjacent ground will be free-draining back to pre-development grades at the downstream limits of the Project.



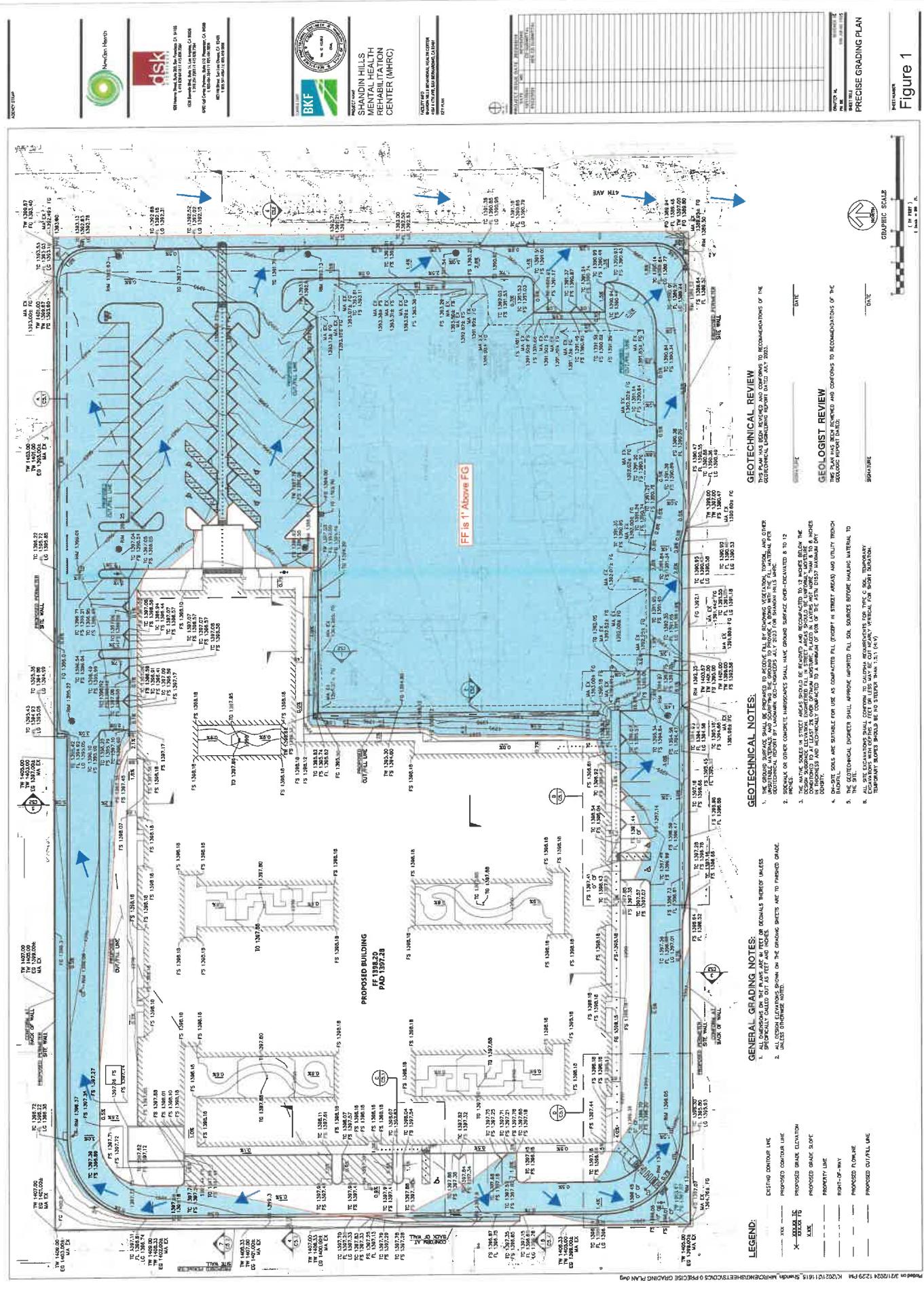
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While the upstream limits of the proposed structure have a finished floor elevation that is technically below "pre-development" adjacent grades, the post-development natural grades outside the structure, will convey water through the site with the required 1-foot minimum flow conveyance depth between finished floor and natural ground outside of the structure.

Figure 1 is the grading plan for the Project and shows proposed elevations for the finished floor and the proposed elevations of natural ground surrounding the structure. The grading plan has been shaded to identify on-site areas where 1 foot or more of conveyance depth has been designed into the Project. The shading demonstrates that the required 1-foot minimum flow conveyance will be provided around the proposed structure and that flow will freely discharge to existing grades at the downstream limits of the Project. Thus, the Project is in compliance with the second purpose of County Ordnance No. 4469 in that flood safety concerns have been addressed by the Project's proposed configuration.

Please do not hesitate to contact me should you have any questions.

Attachments: **Figure 1**  
Attachment A



ATTACHMENT A  
FLOOD INSURANCE RATE MAP AND PROJECT LOCATION

