



LAND USE SERVICES DEPARTMENT

PLANNING COMMISSION STAFF REPORT

HEARING DATE: May 15, 2025

AGENDA ITEM 2

Project Description

APN: 0263-151-25
Applicant: Helping Hearts California
Community: Muscoy / 5th Supervisorial District
Location: 2421 Kern Street
Project No: PRAF-2024-00002
Staff: Oliver Mujica
Rep: Josh LaBarge
Proposal: Major Reasonable Accommodation (Land Use Modification) for the operation of a Licensed Adult Residential Facility for forty (40) residents. This includes the conversion, update, and expansion of an existing ten (10) bed Licensed Residential Treatment Facility for disabled persons with severe mental illness. This would be accomplished with the expansion of an existing garage, construction of three (3) manufactured homes, increase from three (3) to four (4) allowable residential structures, and reduction of the required parking from twenty-one (21) to thirteen (13) parking spaces on 0.74 acres.



30 Public Hearing Notices Sent on: April 29, 2025

Report Prepared By: Oliver Mujica, Contract Planner III

SITE INFORMATION:

Parcel Size: Approximately 0.74 acres
Vegetation: Native grass and landscaping

TABLE 1: SITE AND SURROUNDING LAND USES AND ZONING

AREA	EXISTING LAND USE	LAND USE CATEGORY	LAND USE ZONING DISTRICT
SITE	Residential Treatment Facility	Very Low Density Residential (VLDR)	Single Residential, 1-Acre Minimum/Additional Agriculture Overlay (RS-1/AA)
North	Single Family Residences	Very Low Density Residential (VLDR)	Single Residential, 1-Acre Minimum/Additional Agriculture Overlay (RS-1/AA)
South	Single Family Residences	Very Low Density Residential (VLDR)	Single Residential, 1-Acre Minimum/Additional Agriculture Overlay (RS-1/AA)
East	Single-Family Residence	Very Low Density Residential (VLDR)	Single Residential, 1-Acre Minimum/Additional Agriculture Overlay (RS-1/AA)
West	Single Family Residence	Very Low Density Residential (VLDR)	Single Residential, 1-Acre Minimum/Additional Agriculture Overlay (RS-1/AA)

City Sphere of Influence:
Water Service:
Sewer Service:

Agency
City of San Bernardino
Muscoy Municipal Water District
Septic

Comment
N/A
Existing Service
Existing Service

STAFF RECOMMENDATION

That the Zoning Administrator: **ADOPT** the Findings in support of the Major Reasonable Accommodation; **APPROVE** the Major Reasonable Accommodation (Land Use Modification) for the operation of a Licensed Adult Residential Facility for forty (40) residents. This includes the conversion, update, and expansion of an existing ten (10) bed Licensed Residential Treatment Facility for disabled persons with severe mental illness. This would be accomplished with the expansion of an existing garage, construction of three (3) manufactured homes, increase from three (3) to four (4) allowable residential structures, and reduction of the required parking from twenty-one (21) to thirteen (13) parking spaces on 0.74 acres, subject to the Conditions of Approval; and **DIRECT** the Land Use Services Department to file the Notice of Exemption in accordance with CEQA¹.

¹ In accordance with Section 86.08 of the Development Code, the action taken by the Zoning Administrator may be appealed to the Planning Commission before its effective date.

FIGURE 1: VICINITY MAP



Scale: 1:2,500

■ PRAF-2024-00002

■ Parcels



FIGURE 2: LAND USE CATEGORY MAP

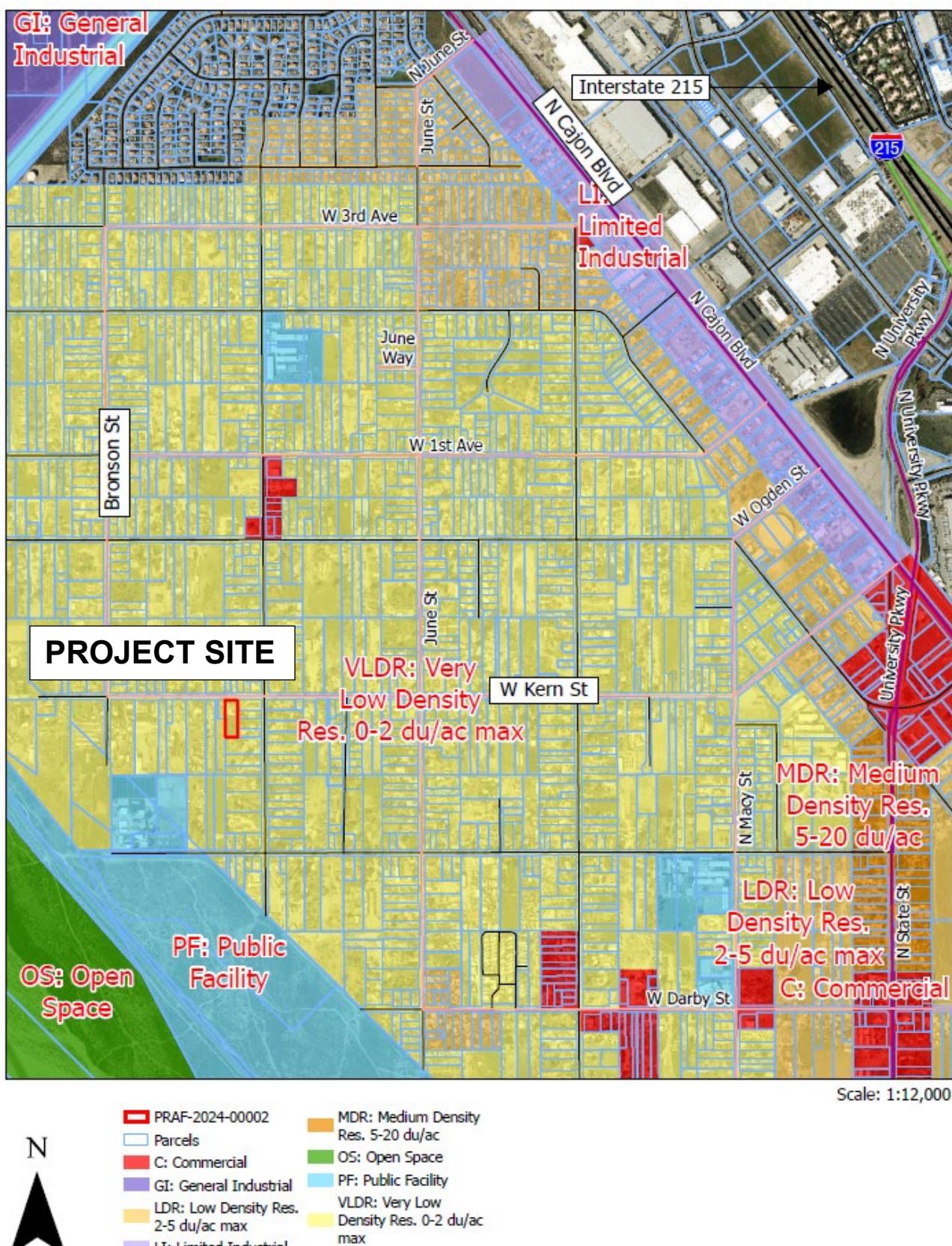


FIGURE 3: ZONING MAP

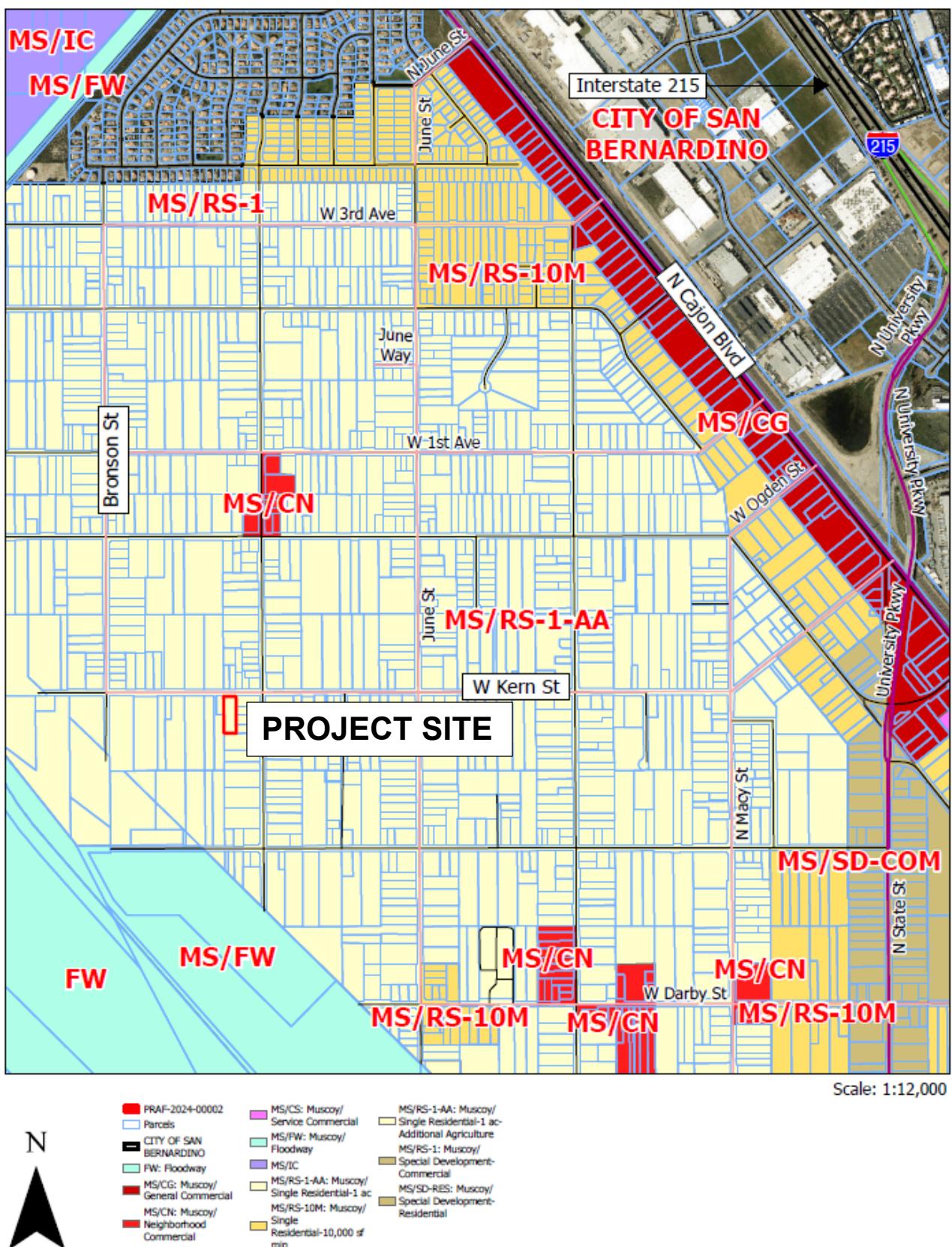


FIGURE 4: PROJECT SITE
View looking south on Kern Street



FIGURE 5: PROJECT SITE
View looking north on Kern Street

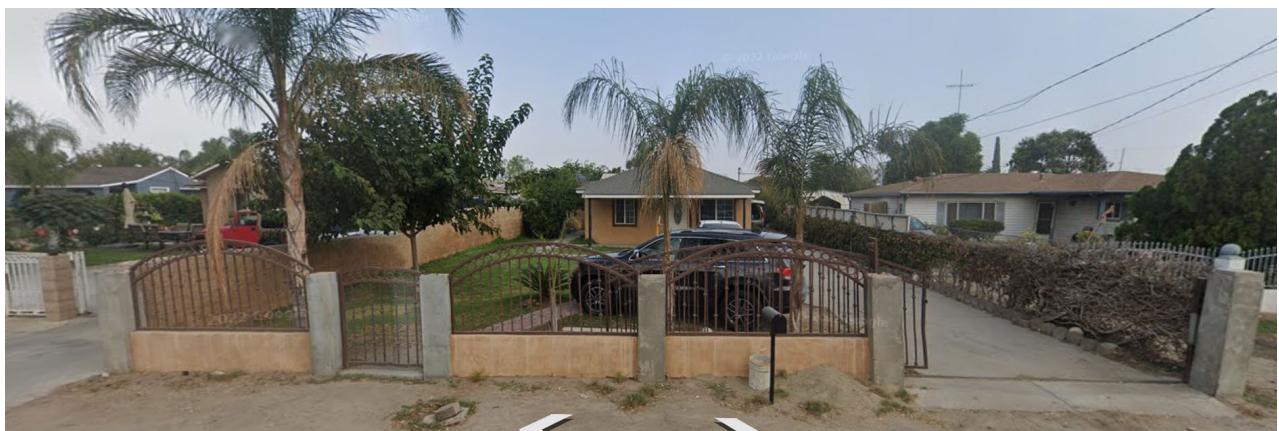


FIGURE 6: PROJECT SITE
View looking west on Kern Street

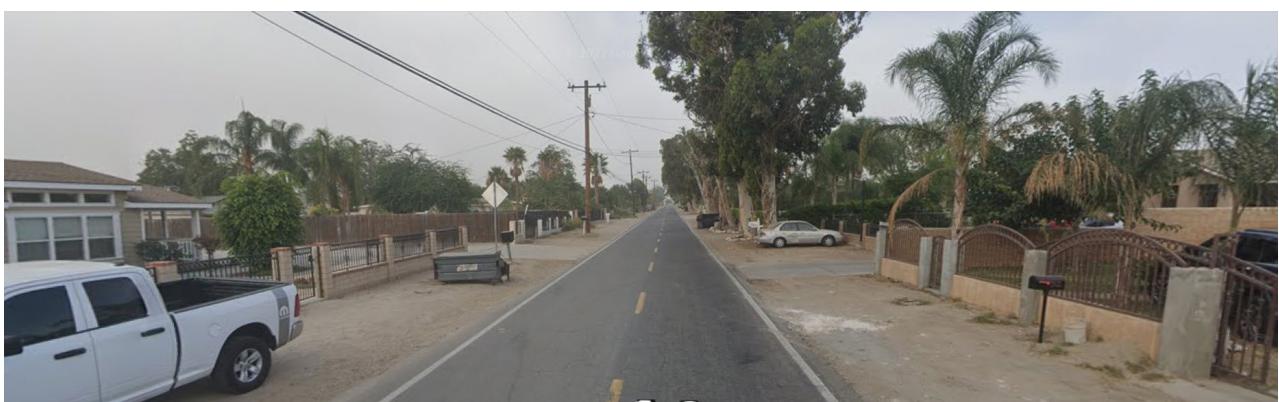
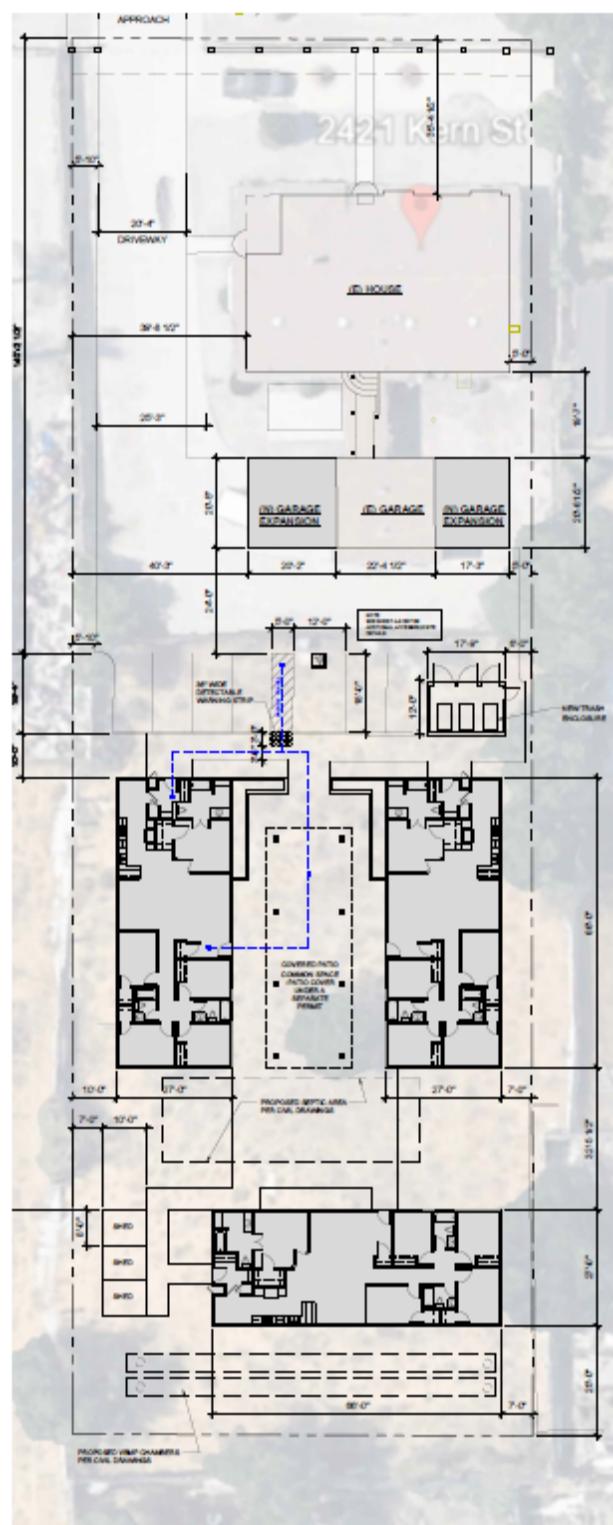


FIGURE 7: EXISTING DEVELOPMENT



FIGURE 8: PROPOSED SITE PLAN



SITE PLAN

0 8 16 32
SCALE: 1/16" = 1'-0"

FIGURE 9: TYPICAL FLOOR PLAN

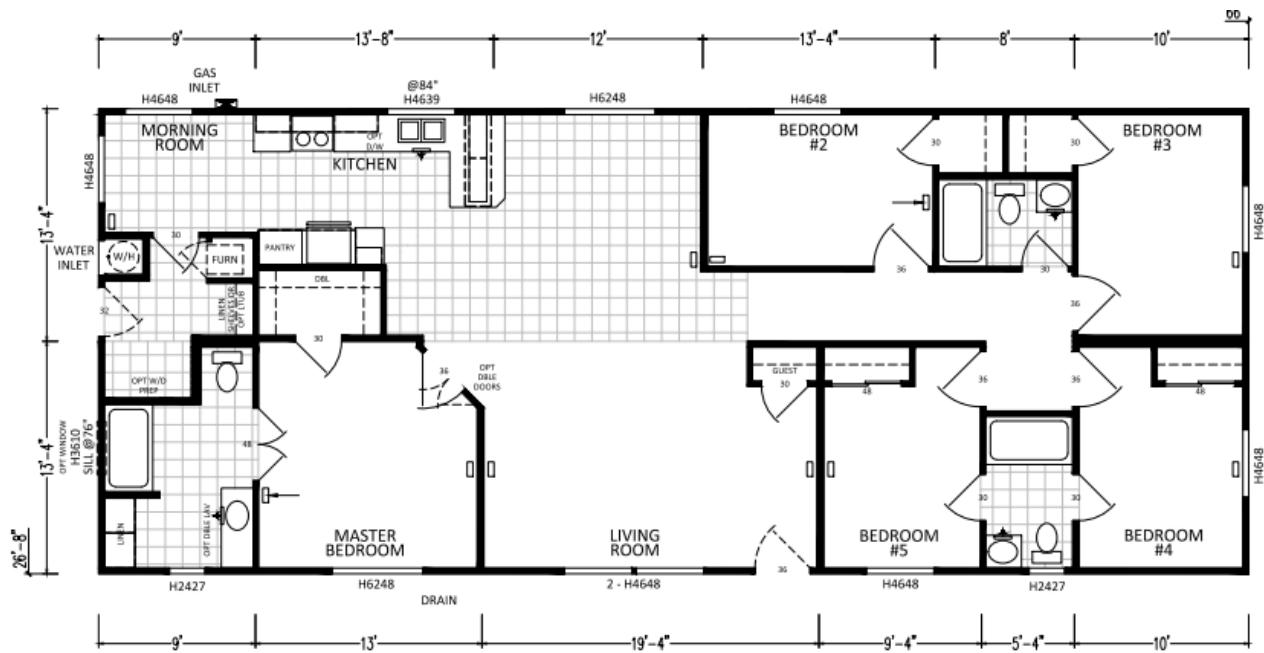
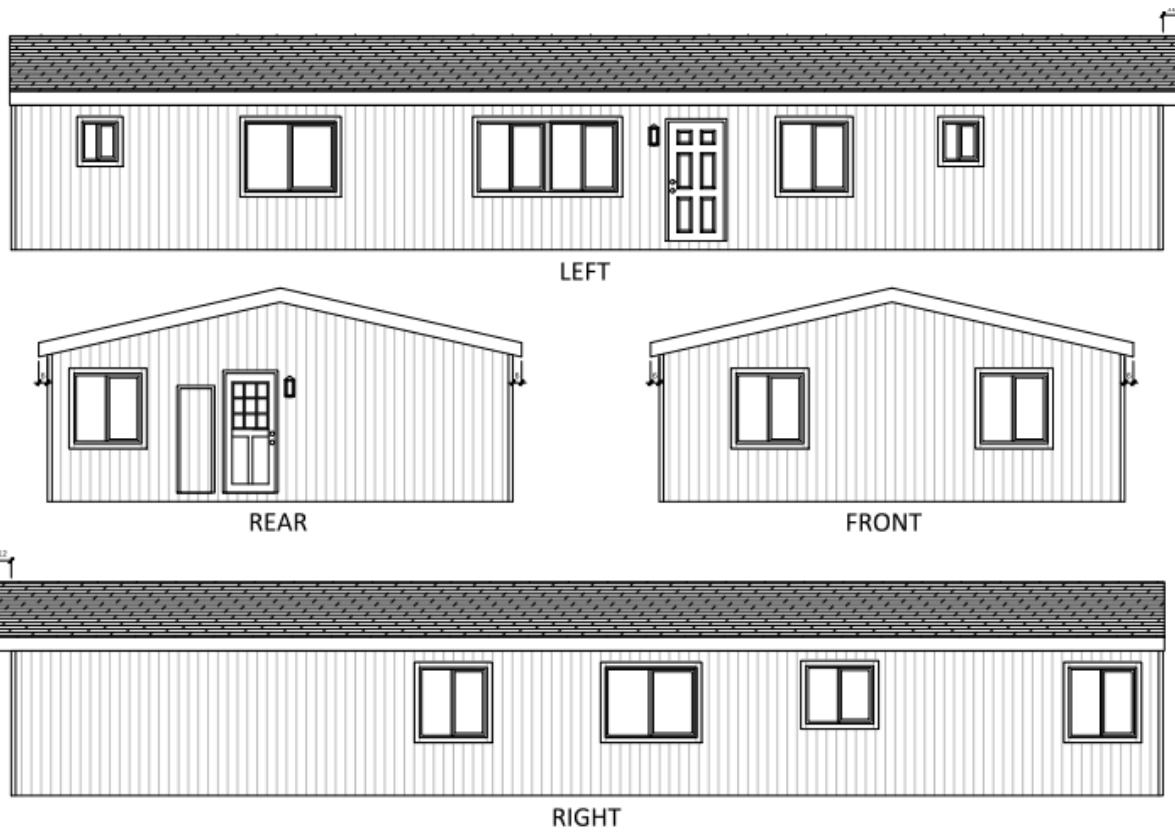


FIGURE 10: TYPICAL ELEVATIONS



BACKGROUND AND PROJECT DESCRIPTION

Property History

On August 25, 2016, the Zoning Administrator approved a Major Reasonable Accommodation (Land Use Modification) (P201600041) for a Licensed Residential Treatment Facility to allow ten (10) disabled persons with severe mental illness and/or substance use disorders to reside within a converted existing single-family residence on the subject property.

The existing Licensed Residential Treatment Facility was funded by the Medi-Cal Federal Financial Participation and Mental Health Services Act administered by the County's Department of Behavioral Health (DBH), Adult Long-Term and Transitional Residential Treatment Services Division. Under the terms of the contract with DBH, Helping Hearts California provides the residents of the Licensed Residential Treatment Facility with the following services: medical evaluations and treatment, mental health/behavioral health evaluations, counseling and therapy treatment, and substance abuse and alcohol treatment.

On May 21, 2024, the Board of Supervisors approved a Homeless Housing, Assistance and Prevention Program Revocable Grant in an amount not to exceed \$2,500,000, and a Housing and Homelessness Incentive Program Grant in an amount not to exceed \$1,331,250 in order to increase the housing capacity at the subject property from ten (10) residents to up to forty (40) residents. These grants are also administered by the County's Department of Behavioral Health.

Proposed Project

The Major Reasonable Accommodation requested (Land Use Modification) is to allow the increase of the number residential buildings permitted on a Single Residential (RS) zoned property from three (3) to four (4) residential buildings, the conversion of the existing Licensed Residential Treatment Facility, the expansion of the existing garage, the installation of three (3) manufactured homes, and the reduction of the required parking spaces from twenty-one (21) to thirteen (13) parking spaces for the operation of a Licensed Adult Residential Facility for forty (40) residents. The proposed facility will serve the housing and supportive services needs of individuals with severe mental illness, substance use disorders, and/or who may also be justice-involved (Project). This proposed Project is being processed as a Licensed Residential Care Facility of seven (7) or more people under the Development Code.

The Development Code allows a Licensed Residential Care Facility of seven (7) or more people within the Multiple Residential (RM) zoning district with the approval of a Conditional Use Permit. The Licensed Residential Care Facility of seven (7) or more people is not allowed within the Single Residential (RS) zoning district. However, Land Use Modifications for Licensed Residential Care Facilities such as the proposed Project within the Single Residential (RS) zoning district shall be processed as provided by State law.

Pursuant to State law, Chapter 84.30 (Reasonable Accommodation in Housing Development for Disabled Individuals) of the Development Code provides guidance for an applicant to file a request for a Reasonable Accommodation (Land Use Modification). The purpose is to *"provide individuals with disabilities reasonable accommodation in the application of the County's rules, policies, practices and procedures, as necessary to ensure equal access to housing. The purpose is also to provide a process for individuals with disabilities to make requests for and be provided reasonable accommodation. When reasonable accommodation is warranted under the law based upon sufficient evidence, with respect to the various laws, rules, policies, practices and/or procedures of the County, including land use and zoning regulations."*

Therefore, although a Licensed Residential Care Facility of seven (7) or more people is not permitted within the subject Single Residential (RS) zoning district, Chapter 84.30 of the County Development Code provides the Major Reasonable Accommodation (Land Use Modification) process to allow the proposed Project, as well as the increase of the number residential buildings from three (3) to four

(4) residential buildings and the reduction of the required parking spaces from twenty-one (21) to thirteen (13) parking spaces for the operation of a licensed Adult Residential Facility for forty (40) residents.

PROJECT ANALYSIS

Land Use:

The proposed project (EXHIBIT C) is comprised of the following:

- Conversion of the existing Licensed Residential Treatment Facility containing 2,350 square feet.
- 720-square foot expansion of the existing 480-square foot garage.
- Installation of three (3) manufactured homes (1,750 square feet each) (See Figure 10).
- On-site landscaping, hardscape, and parking.
- Operation of a Licensed Adult Residential Facility for forty (40) residents.
 - 24-hour staffing (4 to 5 employees during the day, and 2 to 3 employees during the evening).
 - Full-day clinical programming.
 - Customized programming that meets the needs of residents, such as community reintegration, substance abuse classes, vocational rehabilitation, etc.
 - Case management and care coordination, including probation/parole.
 - Coordination and transportation to medical and psychiatric appointments.
 - Medication and medical care oversight by Licensed Vocational Nurses.
 - Room and board with three (3) meals and three (3) snacks per day.
 - Laundry and cleaning services.
- The proposed Licensed Adult Residential Facility will not be a temporary rehabilitation housing facility.

Site Design:

The Project site will be developed with the conversion of an existing Licensed Residential Treatment Facility, expansion of the existing garage and installation of three (3) manufactured homes, along with the required landscaping, parking, and internal circulation improvements (EXHIBIT C).

Pursuant to Section 82.04.040 of the Development Code, a property within the Single Residential (RS) zoning district is allowed to develop a single-family residence, plus up to two (2) accessory structures. The subject property is currently developed with the existing Licensed Residential Treatment Facility, and the Applicant is proposing the construction of three (3) manufactured homes. Therefore, the requested Major Reasonable Accommodation (Land Use Modification) includes an increase in the number of residential buildings from three (3) to four (4) residential buildings.

The Project plans have been reviewed and accepted by the Land Use Services Department's Building and Safety, Geology, and Land Development Divisions, and the Environmental Health Services, Fire Protection District, and Public Works (Traffic and Solid Waste Management) Departments.

Access/Circulation:

An existing residential driveway from Kern Street will provide vehicular access onto the Project site. The on-site circulation drive aisle meets the Development Code and San Bernardino County Fire Protection District standards. The Project's site plan has also been reviewed by the County's Land Use Services and Public Works Departments.

Landscaping:

Pursuant to Section 83.10.060(a)(4) of the Development Code, the required minimum landscaping area for the proposed Project is forty (40) percent. Landscaping will be planted within the setback areas and the interior courtyard of the Project site. The proposed Project provides a total landscaping area of approximately 13,230 square feet (41%) utilizing a xeriscape drought resistant design requiring low maintenance.

Parking:

Pursuant to Section 83.11.040 of the Development Code, there is not a specific off-street parking requirement for a licensed residential care facility of 7 or greater persons. However, an unlicensed residential care facility of 7 or greater persons requires one (1) parking space for each bedroom plus one (1) parking space for the on-site manager. The proposed Project is comprised of four (4) residential buildings with five (5) bedrooms in each building for a total of twenty (20) bedrooms. Each bedroom has two (2) residents. Based on the Development Code requirement, a total of twenty-one (21) parking spaces is required for the proposed Project.

The Applicant proposes a total of 13 parking spaces on site, a deficiency of 8 parking spaces or (38%). According to the Applicant, a maximum of five (5) employees will be on-site at any given time. Additionally, the residents do not drive, and very few visits occur at the facility throughout the day. While there may not be any hardship in providing the deficient eight parking spaces, there is a great need to provide the necessary beds to serve the residents. Therefore, the requested Major Reasonable Accommodation (Land Use Modification) includes a parking reduction from twenty-one (21) to thirteen (13) parking spaces to retain the number of residents at forty (40) rather than thirty (30).

Code Compliance Summary:

The proposed Project satisfies all applicable standards of the County Development Code for development within the Single Residential (RS) zoning district, as summarized below in Table 2:

TABLE 2: PROJECT CODE COMPLIANCE

Project Component	Development Code		Project Plans
Licensed residential care facility of 7 or more persons	Reasonable Accommodation		Reasonable Accommodation
Parking	21 spaces		13 Spaces
Minimum Landscaping	40% (12,894 Square Feet)		41% (13,230 Square Feet)
Minimum Building Setbacks	Front Side (west) Side (east) Rear	25 Feet 10 Feet 5 Feet 15 Feet	35 Feet 10 Feet 5 Feet 25 Feet
Maximum Building Height	35 Feet		15 Feet
Maximum Lot Coverage	40%		24%

TABLE 3: COUNTYWIDE POLICY PLAN CONSISTENCY

Policy LU-2.1: Compatibility with Existing Uses	Consistency
We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the	Considering the site design and development features for the operation of the Licensed Adult Residential Facility consistent with the County Development Code, along with implementing the Conditions of Approval, the Project minimizes negative impacts on the

viability and continuity of existing conforming nonresidential development.	surrounding land uses and adjacent neighborhoods.
Policy LU-2.4: Land Use Map Consistency We consider the proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building, and landscape design treatment, per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.	Consistency The development of the Project conforms with the performance standards that are identified in the County Development Code. The Licensed Adult Residential Facility is an allowed use within the Single Residential (RS) zoning district, as well as with the Very Low Density Residential (VLDR) land use category, subject to the approval of a Major Reasonable Accommodation (Land Use Modification). Additionally, the Project site plan identifies compliance with the County Development Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

Pursuant to the requirements of the California Environmental Quality Act (CEQA) and CEQA Guidelines, the Planning Division conducted an environmental evaluation in connection with the proposed Major Reasonable Accommodation (Land Use Modification) (PRAF-2024-00002) and concluded that the proposed Project for the use of a Licensed Adult Residential Facility for forty (40) residents for Helping Hearts California is Categorically Exempt from CEQA under Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. Pursuant to CEQA Guidelines Section 15303(b), a Class 3 exemption includes, but is not limited to, a duplex or similar multi-family residential structure totaling no more than four (4) dwelling units.

The Planning Division further determined that no unusual circumstances or other reasons exist with respect to the Project site and the proposed activity that would exempt the Project from the exemption above.

PROJECT NOTICE

On February 28, 2025, a Project Notice was mailed to the thirty (30) surrounding property owners within 300 feet of the Project site, as required by Section 85.03.080 of the Development Code. A total of three (3) public comment letters were received (EXHIBIT D).

NOTICE OF HEARING

On April 29, 2025, a Notice of Hearing was mailed to the thirty (30) surrounding property owners within 300 feet of the Project site, as required by Section 86.07.020 of the Development Code. As of the preparation of this report, no public comment letters have been received.

REQUIRED FINDINGS FOR REQUESTED ACTIONS

Pursuant to Development Code Section 84.31.050, the supporting facts for the required findings below for approval of the Reasonable Accommodation are provided in EXHIBIT A.

- 1) The housing, which is the subject of the request for reasonable accommodation, will be occupied as the primary residence by an individual protected under the Fair Housing Laws.
- 2) The request for reasonable accommodation is necessary to make specific housing available to one or more individuals protected under the Fair Housing Laws.

- 3) The reasonable accommodation requested will not impose an undue financial or administrative burden on the County.
- 4) The requested reasonable accommodation will not require a fundamental alteration of the zoning or building laws, policies, and/or procedures of the County.
- 5) The requested reasonable accommodation will not, under the specific facts of the case, result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.
- 6) Whether the requested reasonable accommodation will affirmatively enhance the quality of life of one or more individuals with a disability.
- 7) Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice, absent the accommodation.
- 8) Whether the requested reasonable accommodation would fundamentally alter the character of the neighborhood.
- 9) Whether the reasonable accommodation requested would result in a substantial increase in traffic or insufficient parking.
- 10) Whether granting the requested reasonable accommodation would substantially undermine any express purpose of either the County's General Plan or an applicable Specific Plan.
- 11) Whether the requested reasonable accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

RECOMMENDATION

That the Zoning Administrator take the following actions:

- 1) **ADOPT** the Findings in support of the Reasonable Accommodation (EXHIBIT A);
- 2) **APPROVE** the Major Reasonable Accommodation (Land Use Modification) for the operation of a Licensed Adult Residential Facility for forty (40) residents. This includes the conversion, update, and expansion of an existing ten (10) bed Licensed Residential Treatment Facility for disabled persons with severe mental illness. This would be accomplished with the expansion of an existing garage, construction of three (3) manufactured homes, increase from three (3) to four (4) allowable residential structures, and reduction of the required parking from twenty-one (21) to thirteen (13) parking spaces on 0.74 acres, subject to the recommended Conditions of Approval (EXHIBIT B); and
- 3) **DIRECT** the Land Use Services Department to file the Notice of Exemption in accordance with the California Environmental Quality Act.

ATTACHMENTS:

EXHIBIT A: Findings for Reasonable Accommodation
EXHIBIT B: Conditions of Approval
EXHIBIT C: Project Plans
EXHIBIT D: Project Notice Comment Letters

Exhibit A

Findings

FINDINGS: MAJOR REASONABLE ACCOMMODATION REQUEST. Land Use Modification (Residential Care Facility/Adult Residential Facility) for the operation of a Licensed Adult Residential Facility for forty (40) residents. This includes the conversion, update, and expansion of an existing ten (10) bed Licensed Residential Treatment Facility for disabled persons with severe mental illness. This would be accomplished with the expansion of an existing garage, construction of three (3) manufactured homes, increasing from three (3) to four (4) allowable residential structures, and reduction of the required parking from twenty-one (21) to thirteen (13) parking spaces on 0.74 acres located at 2421 Kern Street (Project). The following are the required findings pursuant to San Bernardino County Development Code Section 84.31.050 and supporting facts for approval of the Major Reasonable Accommodation request:

1. THE HOUSING, WHICH IS THE SUBJECT OF THE REQUEST FOR MAJOR REASONABLE ACCOMMODATION, WILL BE OCCUPIED AS PRIMARY RESIDENCE BY INDIVIDUALS PROTECTED UNDER THE FAIR HOUSING LAWS.

Facts:

- 1A. Helping Hearts California (hereinafter referred to as "Helping Hearts") has requested a Major Reasonable Accommodation to convert and expand an existing Licensed Residential Treatment Facility with ten (10) beds for disabled persons with severe mental illness into a licensed Adult Residential Facility (Residential Care Facility) (ARF) as defined in Section 810.01.200(ee)(1) of the San Bernardino County Development Code to provide housing and supportive services/needs for forty (40) residents with severe mental illness, substance use disorders, and/or who may also be justice-involved. The proposed ARF is located at 2421 Kern Street within the Single Residential, 1-Acre Minimum, (RS-1) zoning district, in the community of Muscoy within the unincorporated area of San Bernardino.
- 1B. Helping Hearts is a recipient of a Homeless Housing, Assistance and Prevention Program Revocable Grant in an amount not to exceed \$2,500,000, and a Housing and Homelessness Incentive Program Grant in an amount not to exceed \$1,331,250 up to \$2,500,000 from the County of San Bernardino for the proposed ARF. All residents of the proposed ARF are protected under Federal and State Fair Housing laws. Residents will be approved for placement into the ARF by the San Bernardino County Department of Behavioral Health with a professional determination that they are all classified as disabled under Federal Law. Residents will be provided with mental and/or behavioral health programs, structured life skills and physical fitness programs implemented by Helping Hearts staff at the proposed ARF.
- 1C. Federal regulations and case law have defined both severe mental illness as a disability because each is a physical or mental condition that substantially impairs one or more daily life activities. "...*adults with a serious mental illness are persons 18 years and older who, at any time during a given year, had a diagnosable mental, behavioral, or emotional disorder that met the criteria of DSM-III-R and ... that has resulted in functional impairment which substantially interferes with or limits one or more major life activities....*". A *disabling condition is defined as: a diagnosable substance use disorder, a serious mental illness, developmental disability, or chronic physical illness, including the co-occurrence of two or more of these conditions*. A *disabling condition limits an individual's ability to work or perform one or more activities of daily living*. Department of Health and Human

Services, Substance Abuse and Mental Health Services Administration, Estimation Methodology for Adults with Serious Mental Illness. AGENCY: Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, HHS.

2. THE REQUEST FOR MAJOR REASONABLE ACCOMMODATION IS NECESSARY TO MAKE SPECIFIC HOUSING AVAILABLE TO ONE OR MORE INDIVIDUALS PROTECTED UNDER THE FAIR HOUSING LAWS.

Facts:

- 2A. The proposed Project/ARF is located within the Single Residential, 1-Acre Minimum/Additional Agriculture Overlay (RS-1/AA) zoning district, and, as such, the requested Major Reasonable Accommodation is necessary to establish the proposed Project/ARF as a legal land use. The San Bernardino County Development Code allows a licensed Residential Care Facility of seven (7) or more people within the Multiple Residential (RM) zoning district with the approval of a Conditional Use Permit. However, a licensed Residential Care Facility of seven (7) or more people is not a permitted land use within the Single Residential (RS) zoning district. Therefore, Land Use Modifications for licensed Residential Care Facilities, such as the proposed Project/ARF within the Single Residential (RS) zoning district, shall be processed as a Major Reasonable Accommodation, as provided by State law, pursuant to Chapter 84.31 of the San Bernardino County Development Code.
- 2B. There is a need for supportive housing units to meet the needs for residents with severe mental illness and/or disabling conditions. The *San Bernardino County 2024 Homeless Count and Subpopulation Survey: Final Report* (March 2024).
- 2C. Severe Mental Illness is a subpopulation category identified in *The San Bernardino County 2024 Homeless Count and Subpopulation Survey: Final Report* (March 2024).
- 2D. Helping Hearts is a recipient of a Homeless Housing, Assistance and Prevention Program Revocable Grant in an amount not to exceed \$2,500,000, and a Housing and Homelessness Incentive Program Grant in an amount not to exceed \$1,331,250 from the County of San Bernardino for the proposed Project/ARF. The County of San Bernardino Department of Behavioral Health's total contract amount is funded by Medi-Cal Federal Financial Participation and Mental Health Services Act funding. The proposed Project/ARF is located on a 0.74-acre parcel with four (4) residential structures serving forty (40) residents. Each residential structure has five (5) bedrooms and could accommodate up to ten (10) severely mentally ill, those with substance use disorders, and/or who may also be justice-involved persons, with two (2) residents in each of the five (5) bedrooms. The proposed Project/ARF will provide housekeeping units that are comfortable, accessible to those with disabilities and will provide the routine benefits of residential living while facilitating the eventual re-entry into community life.

2E. The housing by the proposed Project/ARF is unique because it will be operated in conjunction with County of San Bernardino Department of Behavioral Health, thus affording persons with severe mental illness, substance use disorders, and/or who may also be justice-involved with an opportunity they may not otherwise have for residential housing combined with specialized treatment. Acceptance into the ARF is provided by referral only from the County of San Bernardino Department of Behavioral Health. The County of San Bernardino Department of Behavioral Health will evaluate each potential resident to ensure they have severe mental illness; are not a Penal Code 290 Sexual Offender; have not been convicted of a violent offense, nor have a history of violence; and have a Disabling Condition.

3. THE REQUESTED MAJOR REASONABLE ACCOMMODATION WILL NOT IMPOSE AN UNDUE FINANCIAL OR ADMINISTRATIVE BURDEN ON THE COUNTY.

Facts:

3A. The existing Licensed Residential Treatment Facility has not generated any undue costs related to administrative or enforcement activity that would be considered a financial or administrative burden on the County.

3B. No financial or administrative burden would be created by providing the Major Reasonable Accommodation requested for forty (40) residents with disabilities and/or severe mental illness in the four (4) residential structures with a total of five (5) bedrooms for ten (10) disabled persons in each residential structure.

4. THE REQUESTED MAJOR REASONABLE ACCOMMODATION WILL NOT REQUIRE A FUNDAMENTAL ALTERATION OF THE ZONING OR BUILDING LAWS, POLICIES, AND/OR PROCEDURES OF THE COUNTY.

Facts:

4A. “Fundamental alteration” has been described in cases interpreting the Fair Housing Amendments Act of 1988 (FHAA) reasonable accommodation requirement as “undermining the basic proposed which the requirement seeks to achieve.”

a) The request must be granted only if granting the Major Reasonable Accommodation does not undermine the basic purpose of the San Bernardino County Development Code. Although a licensed Residential Care Facility of seven (7) or more people is not allowed within the Single Residential (RS) zoning district, the requested Land Use Modifications for the proposed Project/ARF is being processed as a Major Reasonable Accommodation, as provided by State law, pursuant to Chapter 84.31 of the San Bernardino County Development Code.

4B. **The requested Major Reasonable Accommodation will not require a fundamental alteration of the County's zoning or building laws, policies and/or procedures requiring the establishment of Residential Care Facilities with 7 or more residents in single residential land use zones.**

- a) The request must be granted only if granting the Major Reasonable Accommodation does not undermine the basic purpose of the San Bernardino County Development Code. Although a licensed Residential Care Facility of seven (7) or more people is not allowed within the Single Residential (RS) zoning district, the requested Land Use Modifications for the proposed Project/ARF is being processed as a Major Reasonable Accommodation, as provided by State law, pursuant to Chapter 84.31 of the San Bernardino County Development Code.
- b) Pursuant to Section 82.04.040 of the San Bernardino County Development Code, a property within the Single Residential (RS) zoning district is allowed to develop a single-family residence, plus up to two (2) accessory structures. The subject property is currently developed with the existing Licensed Residential Treatment Facility within a converted single-family residence, and Helping Hearts is proposing the construction of three (3) additional manufactured homes. Therefore, the requested Major Reasonable Accommodation (Land Use Modification) includes an increase in the number of allowed residential buildings from three (3) to four (4) residential buildings. This Land Use Modification is requested under the requested Major Reasonable Accommodation, as provided by State law, pursuant to Chapter 84.31 of the San Bernardino County Development Code.
- c) Pursuant to Section 83.11.040 of the San Bernardino County Development Code, there is not a specific off-street parking requirement for a licensed residential care facility of 7 or greater persons. However, an unlicensed residential care facility of 7 or greater persons requires one (1) parking space for each bedroom plus one (1) parking space for the on-site manager. The proposed Project/ARF is comprised of four (4) residential buildings with five (5) bedrooms in each building for a total of twenty (20) bedrooms. Each bedroom has two (2) residents. Based on the San Bernardino County Development Code requirement, a total of twenty-one (21) parking spaces is required for the proposed Project/ARF.

Helping Hearts is proposing a total of thirteen (13) parking spaces on site, a deficiency of eight (8) parking spaces. According to Helping Hearts, a maximum of five (5) employees will be on-site at any given time. Additionally, the residents do not drive, and very few visits occur at the facility throughout the course of the day. While there may not be any hardship in providing the deficient eight (8) parking spaces there is great need to provide necessary beds to serve the residents of the Project/ARF. Therefore, the requested Major Reasonable Accommodation (Land Use Modification) includes a parking reduction from twenty-one (21) to thirteen (13) parking spaces, as provided by State law, pursuant to Chapter 84.31 of the San Bernardino County Development Code in order to retain the number of residents at forty (40) rather than (30).

- d) All relevant standards required for the issuance of a Residential Care Facility permit have been included in the Conditions of Approval for the proposed Project/ARF including, but not limited to the following:
 - i. The ARF will maintain a residential character, including the building façade, fences, walls and landscaping. All trash and food items shall be promptly and properly contained within closed containers, pending weekly trash collection.
 - ii. The operator will provide at least one (1) qualified house manager in the form of 24/7 staff for the ARF on site who is present to supervise. In addition, there are manager and support staff providing services for its day-to-day operations.
 - iii. The ARF is a licensed facility in the State of California for this location. The County of San Bernardino Department of Behavioral Health will screen the residents in the ARF to determine that they are disabled and eligible for placement in the ARF. Additionally, as part of the ARF, and the Conditions of Approval, the ARF shall not provide any services to a residents nor house any residents at the ARF other than those residents approved in conjunction with the County of San Bernardino Department of Behavioral Health. The following described persons shall not be provided services or housed at the ARF:
 - a. Any person who is required to register as a sex registrant under the California Sex Offender Registration Act, set forth in Penal Code Sections 290 et seq.;
 - b. Any person who has been convicted of a violent crime or who has a history of violence;
 - c. Any persons who currently illegally uses or are addicted to a controlled substance (as defined in section 102 of the Controlled Substance Act) or have been convicted of a crime for the illegal manufacture, sale, or distribution of a controlled substance;
 - d. Any person with or without disabilities who presents a direct threat to the persons or property of others; or
 - e. Any more than two (2) persons who are currently on parole or probation, as described in Sections 810.01.180 (l) and (m) of the County's Development Code.
 - iv. The operator will ensure that the ARF will be an alcohol and drug free environment, with drug and alcohol testing administered on-site. The ARF will provide all of the disabled persons with severe mental illness for their medical and mental health needs which include: medical, mental health and/or behavioral health evaluations, procedures, counseling and therapy and special needs groups, mental health providers counseling, substance abuse and alcohol treatment program; and medical needs.

- v. Adequate on-site parking will be required for staff members and the ARF van. Onsite parking for any guest and loading or delivery is also adequate, with no on-street parking generally being required. Residents will not bring vehicles to the ARF.
- vi. The noise level at the ARF shall be maintained at or below County Standards, as detailed in Development Code Section 83.01.080. House rules will require quiet hours for the ARF from 10:00 p.m. and 8:00 a.m.
- vii. The ARF has a written “good neighbor policy” that directs residents to be considerate of neighbors, including refraining from engaging in excessively loud behavior or in any activity that would violate any of the standards of the County Code that would interfere with the neighbors’ quiet enjoyment of their properties. The ARF Good Neighbor policy has a written protocol for the 24/7 staff to follow when a neighbor complaint is received. Additionally, a 24/7 cell phone contact information for ARF staff will be provided to the County for any problems regarding the property.
- viii. The “House Rules” of the ARF for the residents will be posted within the ARF and include the following:
 - a. The requirement for resident participation in the appropriate programs;
 - b. A prohibition of possession, use, sale or distribution of any alcohol or any non-prescription controlled substances by any resident either on or off-site;
 - c. A prohibition of visitors who possess, or who are under the influence of any, alcohol or any non-prescription controlled substances; and
 - d. A prohibition of any activity that would result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.

5. THE REQUESTED MAJOR REASONABLE ACCOMMODATION WILL NOT, UNDER THE SPECIFIC FACTS OF THE CASE, RESULT IN A DIRECT THREAT TO THE HEALTH OR SAFETY OF OTHER INDIVIDUALS OR SUBSTANTIAL PHYSICAL DAMAGE TO THE PROPERTY OF OTHERS.

Fact:

5A. A request for Major Reasonable Accommodation may be denied if granting it would pose a “direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others.” See 42 U.S.C. Section 3604 (f)(9). This is a very limited exception and can only be used when, based on the specific facts of a situation, a requested accommodation results in a significant and particularized threat. Federal cases interpreting this exception, have indicated that requested accommodations cannot be denied due to generalized fears of the

risk posed by severely mentally ill, those with substance use disorders, and/or who may also be justice-involved persons. There are no known specific facts of this Project/ARF to support a finding that granting the request for Major Reasonable Accommodation would pose a “direct threat to the health or safety of other individuals or substantial physical damage to the property of others.”

6. THE REQUESTED MAJOR REASONABLE ACCOMMODATION WILL AFFIRMATIVELY ENHANCE THE QUALITY OF LIFE OF ONE OR MORE INDIVIDUALS WITH A DISABILITY.

Fact:

6A. The County addresses the housing needs of persons with disabilities by allowing a variety of housing types. For example, the San Bernardino County Development Code considers licensed care facilities for seven (7) or more persons as permitted in the Single Residential (RS) zoning district with the submittal of a request for major reasonable accommodation. Furthermore, the County adopted Ordinance 4169 (2012) and Ordinance 4230 (2014) to provide people with disabilities with reasonable accommodation in rules, policies, practices, and procedures necessary to ensure equal access to housing, pursuant to state and federal fair housing laws and the State Housing Element Law. This Land Use Modification is requested under the requested Major Reasonable Accommodation, as provided by State law, pursuant to Chapter 84.31 of the San Bernardino County Development Code.

7. THE INDIVIDUAL OR INDIVIDUALS WITH A DISABILITY WILL BE DENIED AN EQUAL OPPORTUNITY TO ENJOY THE HOUSING TYPE OF THEIR CHOICE ABSENT THE MAJOR REASONABLE ACCOMMODATION.

Fact:

7A. The County of San Bernardino Housing Element addresses Special Needs Groups – Persons with Disabilities, as follows:

- a) San Bernardino County has a significant population of people with mental, physical, and developmental disabilities that substantially limit major life activities. People with disabilities have special needs because many earn very low incomes, have higher health costs, and are often dependent on supportive services. People with disabilities may also face discrimination in obtaining housing, because landlords may be concerned about how a disability is perceived by other tenants, the disabled person’s income and ability to afford housing, or whether the unit can be maintained.
- b) Physical and developmental disabilities can hinder access to housing units of traditional design and limit the ability to earn adequate income. The needs of people with disabilities exhibit a wide range of complexities and subtleties. For those with physical disabilities, the County can help facilitate the reconfiguration of existing housing through loan programs. By rehabilitating and upgrading housing, renters or homeowners can more easily “age in place” and live the fullest independent lives without the need to move to housing that is more suitable for their physical disability. As described later, implementing a reasonable accommodation ordinance can further the above goal.

- c) Ensuring fair and equal housing opportunity under state and federal fair housing laws is also important for people with disabilities. According to the Housing Rights Center, fair housing complaints from people with disabilities represent the largest percentage of complaints received in recent years. The recent surge in complaints appears to be due to a greater awareness of existing fair housing laws and focus by the courts on ensuring that cities affirmatively address the housing needs of people with disabilities, specifically with respect to reasonable accommodation procedures.
- d) Regardless of the disability, meeting the full range of housing and supportive service needs for people with disabilities requires a comprehensive strategy. This strategy should focus on facilitating independent living through in-home modifications, allowing for suitable housing by enacting and updating land use and zoning practices, facilitating and/or financing a range of supportive services, and implementing and enforcing existing state and federal fair housing law.

7B. Pursuant to San Bernardino County Development Code Section 84.31.010, the purpose of the reasonable accommodation in housing development for disabled individuals Chapter, pursuant to Fair Housing Laws, as defined in §801.01.080, is to provide individuals with disabilities reasonable accommodation in the application of the County's rules, policies, practices and procedures, as necessary to ensure equal access to housing. The purpose is also to provide a process for individuals with disabilities to make requests for, and be provided, reasonable accommodation, when reasonable accommodation is warranted under the law based upon sufficient evidence, with respect to the various laws, rules, policies, practices and/or procedures of the County, including land use and zoning regulations.

8. THE REQUESTED MAJOR REASONABLE ACCOMMODATION WOULD NOT FUNDAMENTALLY ALTER THE CHARACTER OF THE NEIGHBORHOOD.

Fact:

The project site is located on a block bordered by Vermont Street to the east, Bronson Street to the west, and Blake Street to the south. Although the neighborhood is within the Single Residential, 1-Acre Minimum, Additional Agricultural Overlay (RS-1/AA) zoning district, less than fifty (50) percent of the parcels on this block are over one (1) Acre in size. This block has characteristics similar to those of a multiple residential type of land use zoning designation, with its larger lot sizes and large number of other non-conforming multi-family uses and commercial animal keeping uses. Over a fourth (14) of the parcels contain multifamily type dwellings. Two (2) single family residential structures are located on three (3) parcels to the south and east of the project site, albeit several parcels removed, and on another parcel to the southeast there are three (3) single family homes. The design and development of the proposed Project/ARF is intended to as to not alter the residential character of the neighborhood.

9. THE MAJOR REASONABLE ACCOMMODATION WOULD NOT RESULT IN A SUBSTANTIAL INCREASE IN TRAFFIC OR INSUFFICIENT PARKING.

Fact:

- 9A. The Conditions of Approval requires that Helping Hearts maintain thirteen (13) parking spaces on the site, and designating a minimum of five (5) parking spaces available for the ARF staff at all times.
- 9B. The Conditions of Approval requires that Helping Hearts maintain at least five (5) parking spaces on the site to accommodate the resident van and guest parking/loading to prevent overflow parking on the street.
- 9C. The residents of the ARF will not have vehicles on site and resident transportation shall be provided by Helping Hearts.

10. THE GRANTING OF THE REQUESTED MAJOR REASONABLE ACCOMMODATION WOULD NOT SUBSTANTIALLY UNDERMINE ANY EXPRESS PURPOSES OF EITHER THE COUNTY'S GENERAL PLAN OR AN APPLICABLE SPECIFIC PLAN.

Fact:

- 10A. On September 27, 2022, the Board of Supervisors adopted the County of San Bernardino 6th Cycle (2021-2029) Housing Element. On November 28, 2022, the State of California Department of Housing and Community Development certified the County's Housing Element pursuant to the State Housing Element Law (Article 10.6 of the Gov. Code). Through the Housing Element, the County strives to continue timely and effective implementation of all programs, including but not limited to:
 - Affirmatively Furthering Fair Housing: To address disparities in access to opportunities, promote a variety of housing choices and mobility, remove constraints for persons with disabilities, and address displacement risks.

Based on the evidence contained in the proposed Project/ARF's supporting documents, Major Reasonable Accommodation is internally consistent with and will further the goals and policies of the Countywide Plan (Housing Element) as further described below:

Goal H-1 Housing Production and Supply: A broad range of housing types in sufficient quantity, location, and affordability levels that meet the lifestyle needs of current and future residents, including those with special needs.

Policy H-1.1 Appropriate Range of Housing. We encourage the production and location of a range of housing types, densities, and affordability levels in a manner that recognizes the unique characteristics, issues, and opportunities for each community.

Consistency: By affording the forty (40) residents with severe mental illness, substance use disorders, and/or who may also be justice-involved with an opportunity they may not otherwise have for residential housing combined with

specialized treatment, the proposed licensed Adult Residential Facility is consistent with the Countywide Plan (Housing Element).

Goal H-4 Affordable Housing Assistance: The development, maintenance, modernization, and preservation of affordable housing; and the provision of assistance, where feasible, for residents to rent or purchase adequate housing in San Bernardino County.

Policy H-4.2 Rental Assistance. We support the provision of rental assistance to qualified extremely low, very low, and low income households and special needs households served by the County Housing Authority, Department of Behavioral Health, and other County entities.

Policy H-4.5 Nonprofit Partnerships. We continue to form and strengthen partnerships with nonprofit organizations, public agencies, community-based organizations, and housing developers in order to increase housing opportunities for very low and low income and special needs households.

Consistency: Helping Hearts is a recipient of a Homeless Housing, Assistance and Prevention Program Revocable Grant in an amount not to exceed \$2,500,000, and a Housing and Homelessness Incentive Program Grant in an amount not to exceed \$1,331,250 up to \$2,500,000 from the County of San Bernardino for the proposed Project/ARF. Therefore, the proposed Licensed Adult Residential Facility is consistent with the County's implementation of the Countywide Plan (Housing Element).

Goal H-5 Equal Housing Opportunities: Equal housing opportunities for all persons regardless of race, age, religion, sex, marital status, disability status, ancestry, national origin, or color.

Policy H-5.1 Housing Discrimination. We further fair housing opportunities by prohibiting discrimination in the housing market; providing education, support, and enforcement services to address discriminatory practices; and removing potential impediments to equal housing opportunity.

Consistency: Pursuant to Chapter 84.31 of the San Bernardino County Development Code, as provided by State law, Land Use Modifications for the proposed Licensed Adult Residential Facility removes potential impediments to equal housing opportunities.

11. THE REQUESTED MAJOR REASONABLE ACCOMMODATION WOULD NOT CREATE AN INSTITUTIONALIZED ENVIRONMENT DUE TO THE NUMBER OF AND DISTANCE BETWEEN FACILITIES THAT ARE SIMILAR IN NATURE OR OPERATION.

Fact:

- 11A. The proposed Project/ARF will not coordinate services with other facilities in the neighborhood, thereby avoiding the creation of an institutional or campus environment in the residential neighborhood.
- 11B. There are no other licensed or unlicensed Residential Care Facilities located on the subject block.

- 11C. The residential structures for the proposed Project/ARF are accessible to those with physical disabilities and provide the benefit of residential living in a non-institutionalized environment.
- 11D. The proposed Project/ARF will operate residences similar to and compatible with the residences within the surrounding neighborhood.
- 11E. The proposed Project/ARF will provide housing that is comfortable, accessible to those with disabilities and will provide the routine benefits of residential living.

12. THE REQUESTED MAJOR REASONABLE ACCOMMODATION WOULD COMPLY WITH THE REQUIRED FINDINGS.

Fact:

- 12A. Conditions of Approval (Exhibit B) have been imposed for the approval of the proposed Project/ARF to ensure that the requested Major Reasonable Accommodation will comply with the findings required by Section 84.31.050 of the San Bernardino County Development Code.

13. THE APPROVAL OF THE REQUESTED MAJOR REASONABLE ACCOMMODATION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Fact:

- 13A. The approval of the Major Reasonable Accommodation is exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures). A Class 3 exemption consists of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of the exemption include, but are not limited to, a duplex or similar multi-family residential structure, totaling no more than four (4) dwelling units.
- 13B. The proposed Project involves the conversion of an existing Licensed Residential Treatment Facility for ten (10) residents and the construction of three (3) manufactured homes containing 1,750 square feet each for a total of four (4) residential buildings for the operation of a Licensed Adult Residential Facility (Residential Care Facility) for forty (40) residents. This is consistent with the cited Class 3 categorical exemption from CEQA.
- 13C. A Notice of Exemption is therefore recommended for filing. The Notice of Exemption represents the independent judgment and analysis of the County acting as lead agency for the Project.

Exhibit B

Conditions of

Approval



Conditions of Approval

Record:	PRAF-2024-00002	System Date:	05/15/2025
Record Type:	Major Reasonable Accommodation (Residential Care Facility)	Primary APN:	0263151250000
Record Status:	Decision Pending	Application Name:	MAJOR REASONABLE ACCOMMODATION
Effective Date:	Expiration Date:		
Description:	HELPING HEARTS CALIFORNIA – LAND USE MODIFICATION (RESIDENTIAL CARE FACILITY): MAJOR REASONABLE ACCOMMODATION FOR THE OPERATION OF A LICENSED ADULT RESIDENTIAL FACILITY FOR FORTY (40) RESIDENTS. THIS INCLUDES THE CONVERSION, UPDATE, AND EXPANSION OF AN EXISTING TEN (10) BED LICENSED RESIDENTIAL TREATMENT FACILITY FOR DISABLED PERSONS WITH SEVERE MENTAL ILLNESS. THIS WOULD BE ACCOMPLISHED WITH THE EXPANSION OF AN EXISTING GARAGE, CONSTRUCTION OF THREE (3) MANUFACTURED HOMES, INCREASE FROM THREE (3) TO FOUR (4) ALLOWABLE RESIDENTIAL STRUCTURES, AND REDUCTION OF THE REQUIRED PARKING FROM TWENTY-ONE (21) TO THIRTEEN (13) PARKING SPACES ON A 0.74-ACRE PARCEL LOCATED AT 2421 KERN STREET WITHIN THE VERY LOW DENSITY RESIDENTIAL (VLDR) LAND USE CATEGORY AND SINGLE RESIDENTIAL, 1-ACRE MINIMUM/ADDITIONAL AGRICULTURE OVERLAY (RS-1/AA) ZONING DISTRICT; 5 th SUPERVISORIAL DISTRICT; APN: 0263-151-25; PROJECT NUMBER: PRAF-2024-00002		

This document does not signify project approval.

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

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

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

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

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

ON-GOING**Land Use Services - Planning**1 **Project Approval Description (MRA/LUM)** - Status: Outstanding

This Major Reasonable Accommodation for a Land Use Modification is conditionally approved for the operation of a Licensed Adult Residential Facility for forty (40) residents. This includes the conversion, update, and expansion of an existing ten (10) bed Licensed Residential Treatment Facility for disabled persons with severe mental illness. This would be accomplished with the expansion of an existing garage, construction of three (3) manufactured homes, increase from three (3) to four (4) allowable residential structures, and reduction of the required parking from twenty-one (21) to thirteen (13) parking spaces on 0.74 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 approved site plan, and all other required and approved reports and displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the approved site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project.

2 **Operational Standards** - Status: Outstanding

The Project shall continuously comply with the following:

- i. The ARF will maintain a residential character, including the building façade, fences, walls and landscaping. All trash and food items shall be promptly and properly contained within closed containers, pending weekly trash collection.
- ii. The operator will provide at least one (1) qualified house manager in the form of 24/7 staff for the ARF on site who is present to supervise. In addition, there are manager and support staff providing services for its day-to-day operations.
- iii. The ARF is a licensed facility in the State of California for this location. The County of San Bernardino Department of Behavioral Health will screen the residents in the ARF to determine that they are disabled and eligible for placement in the ARF. Additionally, as part of the ARF, and the Conditions of Approval, the ARF shall not provide any services to a residents nor house any residents at the ARF other than those residents approved in conjunction with the County of San Bernardino Department of Behavioral Health. The following described persons shall not be provided services or housed at the ARF:
 - a. Any person who is required to register as a sex registrant under the California Sex offender Registration Act, set forth in Penal Code Sections 290 et seq.;
 - b. Any person who has been convicted of a violent crime or who has a history of violence;
 - c. Any persons who currently illegally uses or are addicted to a controlled substance (as defined in section 102 of the Controlled Substance Act) or have been convicted of a crime for the illegal manufacture, sale, or distribution of a controlled substance;
 - d. Any person with or without disabilities who presents a direct threat to the persons or property of others; or.
 - e. Any more than two (2) persons who are currently on parole or probation, as described in Sections 810.01.180 (l) and (m) of the County's Development Code.
- iv. The operator will ensure that the ARF will be an alcohol and drug free environment, with drug and alcohol testing administered on-site. The ARF will provide all of the disabled persons with severe mental illness for their medical and mental health needs which include: medical, mental health and/or behavioral health evaluations, procedures, counseling and therapy and special needs groups, mental health providers counseling, substance abuse and alcohol treatment program; and medical needs.
- v. Adequate on-site parking will be required for staff members and the ARF van. Onsite parking for any guest and loading or delivery is also adequate, with no on-street parking generally being required. Residents will not bring vehicles to the ARF.
- vi. The noise level at the ARF shall be maintained at or below County Standards, as detailed in Development Code Section 83.01.080. House rules will require quiet hours for the ARF from 10:00 p.m. and 8:00 a.m.

- vii. The ARF has a written "good neighbor policy" that directs residents to be considerate of neighbors, including refraining from engaging in excessively loud behavior or in any activity that would violate any of the standards of the County Code that would interfere with the neighbors' quiet enjoyment of their properties. The ARF Good Neighbor policy has a written protocol for the 24/7 staff to follow when a neighbor complaint is received. Additionally, a 24/7 cell phone contact information for ARF staff will be provided to the County for any problems regarding the property.
- viii. The "House Rules" of the ARF for the residents will be posted within the ARF and include the following:
 - a. The requirement for resident participation in the appropriate programs;
 - b. A prohibition of possession, use, sale or distribution of any alcohol or any non-prescription controlled substances by any resident either on or off-site;
 - c. A prohibition of visitors who possess, or who are under the influence of any, alcohol or any non-prescription controlled substances; and
 - d. A prohibition of any activity that would result in a direct threat to the health and safety of other individuals or substantial physical damage to the property of others.

3 **Project Location** - Status: Outstanding

The Project site is located at 2421 Kern Street.

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 **Additional Permits** - Status: Outstanding

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

7 **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.

8 **Continuous Effect/Revocation** - Status: Outstanding

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

9 **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)

10 **Project Account** - Status: Outstanding

The Project account number is PRAF-2024-00002. 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.

11 **Development Impact Fees** - Status: Outstanding

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

12 **Performance Standards** - Status: Outstanding

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

13

Continuous Maintenance - Status: Outstanding

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

14

Lighting - Status: Outstanding

Lighting shall comply with Section 83.07.050 (Valley Requirements) of the County's Development Code. Direct or indirect light from any light source shall not cause light trespass exceeding five-tenths foot-candles when measured at the property line of a residential land use zoning district, residential parcel, or public right-of-way. Light levels shall be measured with a light meter, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination (CIE).

15

Underground Utilities - Status: Outstanding

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

16

Construction Hours - Status: Outstanding

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

17 **Construction Noise** - Status: Outstanding

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.

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

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

Public Health– Environmental Health Services

19 **Noise Levels** - Status: Outstanding

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

20 **OWTS Maintenance** - Status: Outstanding

The onsite wastewater treatment system shall be maintained so as not to create a public nuisance and shall be serviced by an EHS permitted pumper.

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

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

Public Works - Traffic

22 **Access** - Status: Outstanding

The access point to the facility shall remain unobstructed at all times, except a driveway access gate which may be closed after normal working hours.

23 **Back Out Into Public Roadways** - Status: Outstanding

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

INFORMATIONAL

Land Use Services - Planning

24 **Dimensions** - Status: Outstanding
Show all property lines and dimensions. Also, show boundary lines of project with dimensions if only a portion of the property is being developed. Property lines shall be shown as solid, distinctive lines. Entire property must be shown.

25 **Utilities** - Status: Outstanding
Indicate names, address and telephone numbers of water company, sewage disposal, electric, gas, telephone, cable television. If no utility company, indicate method of supply.

County Fire - Community Safety

26 **F01 Jurisdiction** - Status: Outstanding
The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein "Fire Department". Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.

27 **F03 Fire Condition Letter Expiration** - Status: Outstanding
Fire Condition Letters shall expire on the date determined by the Planning Division or Building and Safety.

28 **F08 Fire Safety Overlay** - Status: Outstanding
The County General Plan designates this property as being within the Fire Safety Review Area. All construction shall adhere to all applicable standards and requirements of the Fire Safety Review Area as adopted in the San Bernardino County Development Code.

29 **F20 Access – 150+ feet** - Status: Outstanding
Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. Roadways shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building. 1. 5/9/25 Per our Phone conversation with Tony Massaro, Daryl Kessler, Tim Johnson, Josh LaBarge, Preston Faydock, Curtis Markloff, Manuel Huizar, Oliver Mujica and Rachel Candelaria; The Applicant will provide the following: A Dry standpipe will be installed in lieu to the 150' fire access road to all portions of the structures. A fire Hydrant will be installed at the property for connecting for fire apparatus on-site.

30 **F70 Additional Requirements** - Status: Outstanding
In addition to the Fire requirements stated herein, other onsite and off-site improvements may be required which cannot be determined at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office. 1. 5/9/25 Per our Phone conversation with Tony Massaro, Daryl Kessler, Tim Johnson, Josh LaBarge, Preston Faydock, Curtis Markloff, Manuel Huizar, Oliver Mujica and Rachel Candelaria; The Applicant will provide the following: A Dry standpipe will be installed in lieu to the 150' fire access road to all portions of the structures. A fire Hydrant will be installed at the property for connecting for fire apparatus on-site.

Land Use Services - Land Development

31 **BMP Enforcement** - Status: Outstanding
In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by the County Department of Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees, and interest thereon at

32 **Erosion Control Installation** - Status: Outstanding

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

Land Use Services - Geology

33 **Vegetation** - Status: Outstanding

Significant amounts of vegetation, construction debris, and other deleterious materials are unsuitable as structural fill material and should be disposed of off-site prior to commencing grading/construction. Any septic tanks, seepage pits or wells should be abandoned as per the County of San Bernardino Department of Health Services.

34 **Fill and Processed Natural Ground** - Status: Outstanding

All fill and processed natural ground shall be compacted to a minimum relative compaction of 90 percent, as determined by ASTM Test Method: D-1557. Fill material should be moisture conditioned to optimum moisture or above, and as generally discussed in Alta's Earthwork Specification Section presented in Appendix F. Compaction shall be achieved with the use of sheepfoot rollers or similar kneading type equipment. Mixing and moisture conditioning will be required in order to achieve the recommended moisture conditions.

35 **Removal/Over-Excavation** - Status: Outstanding

All removal/over-excavation bottoms should be observed and approved by the project Geotechnical Consultant prior to fill placement. Consideration should be given to surveying the removal bottoms and undercuts after approval by the geotechnical consultant and prior to the placement of fill. Staking should be provided in order to verify undercut locations and depths.

36 **Fill Materials** - Status: Outstanding

After removals, scarification, and compaction of in-place materials are completed, additional fill may be placed. Fill should be placed in eight-inch bulk maximum lifts, moisture conditioned to optimum moisture content or above, compacted and tested as grading/construction progresses until final grades are attained.

37 **Import Soils** - Status: Outstanding

Import soils, if necessary, should consist of clean, structural quality, compactable materials similar to the on-site soils and should be free of trash, debris, or other objectionable materials. The project Geotechnical Consultant should be notified not less than 72 hours in advance of the locations of any soils proposed for import. Import sources should be sampled, tested, and approved by the project Geotechnical Consultant at the source prior to the importation of the soils to the site. The project Civil Engineer should include these requirements on plans and specifications for the project.

38 **Trench Backfill** - Status: Outstanding

Trench backfill should be compacted to at least 90 percent of maximum dry density as determined by ASTM D-1557. Onsite soils will not be suitable for use as bedding material but will be suitable for use in backfill provided oversized materials are removed. No surcharge loads should be imposed above excavations. This includes spoil piles, lumber, concrete trucks, or other construction materials and equipment. Drainage above excavations should be directed away from the banks. Care should be taken to avoid saturation of the soils. Compaction should be accomplished by mechanical means. Jetting of native soils will not be acceptable. Under-slab trenches should also be compacted to project specifications. If select granular backfill (SE > 30) is used, compaction by flooding will be acceptable.

39 **Project Foundation** - Status: Outstanding

The project foundation plans shall include the following note: "A fault rupture hazard and geotechnical report was prepared for this project by Alta Geotechnical, dated January 3, 2025, and revised April 8, 2025. This report, as amended by the conditions of approval, is hereby incorporated by reference and is a part of the foundation construction documents. The recommendations outlined in this report shall be strictly adhered to during the construction of this project."

40 **Fault Rupture Hazard and Geotechnical Report** - Status: Outstanding

A fault rupture hazard and geotechnical report was prepared for this project by Alta Geotechnical, dated January 3, 2025, and revised April 8, 2025. This report, as amended by the conditions of approval, is hereby incorporated by reference and is a part of the grading construction documents. The recommendations outlined in this report shall be strictly adhered to during the construction of this project.

PRIOR TO LAND DISTURBANCE

Land Use Services - Planning

41 **Air Quality** - Status: Outstanding

Although the Project does not exceed South Coast Air Quality Management District (SCAQMD) thresholds, the Project proponent is required to comply with all applicable rules and regulations as the SCAQMD is in non-attainment status for ozone and suspended particulates [PM10 and PM2.5 (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures: a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities. 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday. 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion. 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour. b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NOX and PM 10 levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements: 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel. 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

42 **Diesel Regulations** - Status: Outstanding

The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District (SCAQMD) 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. SCAQMD 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.

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

The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following: a) Implement the approved Coating Restriction Plans. b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment. c) Grading contractor shall provide and implement the following when possible: - training operators to use equipment more efficiently. - identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions. - replacing older, less fuel-efficient equipment with newer models. - use GPS for grading to maximize efficiency. d)

Grading plans shall include the following statements: - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration." - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes." e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways. f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures. g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

Public Health– Environmental Health Services

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

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

Public Works - Surveyor

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

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

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

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

Land Use Services - Land Development

47 **FEMA Flood Zone** - Status: Outstanding

The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C7940J dated 09/2/2016. 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.

48 **Grading Plans** - Status: Outstanding

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

49 **WQMP** - Status: Outstanding

APN: 0263151250000

PRAF-2024-00002

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

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

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

51 **Grading/Land Disturbance Condition** - Status: Outstanding

The subject site is located within an Alquist Priolo Fault Hazard Zone requiring that investigative measures be taken in the AP Zone to identify any active fault that would impact the proposed areas for human occupancy. This direct and indirect evidence obtained during the two subsurface investigations points to the conclusion that active faulting doesn't exist below the site. It is the opinion of Alta that the proposed development on the site will not be subjected to the effects of surface fault rupture.

52 **Grading/Land Disturbance Condition** - Status: Outstanding

Significant amounts of vegetation, construction debris, and other deleterious materials are unsuitable as structural fill material and should be disposed of off-site prior to commencing grading/construction. Any septic tanks, seepage pits or wells should be abandoned as per the County of San Bernardino Department of Health Services.

PRIOR TO BUILDING PERMIT ISSUANCE

Land Use Services - Planning

53 **Architecture** - Status: Outstanding

Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.

54 **Landscape and Irrigation Plan** - Status: Outstanding

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.

County Fire - Community Safety

55 **F02 Fire Fee** - Status: Outstanding

The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division.

56 **F09 Building Plans** - Status: Outstanding

Building Plans shall be submitted to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.

57 **F19 Surface** - Status: Outstanding

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

58 **F30 Water System Residential**

A water system approved by the Fire Department is required. The system shall be operational prior to any

combustibles being stored on the site. Detached single-family residential development may increase the spacing between hydrants to be no more than six hundred (600) feet (as measured along vehicular travel-ways) from the driveway on the address side of the proposed single-family structure. 1. On-site fire hydrant required.

59 **F21 Turnaround** - Status: Outstanding

An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty-five (45) foot radius for all turns. In the Fire Safety Overlay District cul-de-sac length shall not exceed three hundred fifty (350) feet.

60 **F26 Fire Flow Test** - Status: Outstanding

Please provide a fire flow test report from your water purveyor that has been completed in the last six months demonstrating that the fire flow demand is satisfied.

61 **F69 Haz-Mat Approval** - Status: Outstanding

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

Land Use Services - Building and Safety

62 **Construction Plans** - Status: Outstanding

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

63 **Temporary Use Permit** - Status: Outstanding

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

Public Health– Environmental Health Services

64 **Existing OWTS** - Status: Outstanding

Existing onsite wastewater treatment system can be used if applicant provides an EHS approved certification that indicates the system functions properly, meets code, has the capacity required for the proposed project, and meets LAMP requirements.

65 **Existing Wells** - Status: Outstanding

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

66 **Sewage Disposal** - Status: Outstanding

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

67 **Water Purveyor** - Status: Outstanding

Water purveyor shall be Muscoy Mutual Water Company or EHS approved.

68 **Water Service Verification Letter** - Status: Outstanding

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

Public Works - Traffic69 **Regional Transportation Fee** - Status: Outstanding

Regional Transportation Fee. This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the San Bernardino Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid to the Department of Public Works. The Plan Fee shall be computed in accordance with the Plan Fee Schedule in effect as of the date that the building plans are submitted, and the building permit is applied for. The Plan Fee is subject to change periodically. Currently, the fee is \$2,489 per unit for Single Family Use, which includes the 3 proposed units per the site plan dated 10/21/2024. Therefore, the estimated Regional Transportation Fee for the Project is \$7,467 (3 x \$2,489). The current Regional Transportation Development Mitigation Plan can be found at the following website: <https://www.sbccounty.gov/uploads/DPW/docs/Fee-Schedule-Regional-Plan.pdf>

PRIOR TO OCCUPANCY**Land Use Services - Planning**70 **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 PRAF-2024-00002.

71 **Landscaping/Irrigation** - Status: Outstanding

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.

72 **Screen Rooftop** - Status: Outstanding

All roof top mechanical equipment is to be screened from ground vistas.

73 **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.

County Fire - Community Safety74 **F06 Inspection by Fire Department** - Status: Outstanding

Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final".

Land Use Services - Building and Safety75 **Condition Compliance Release Form Sign-off** - Status: Outstanding

Prior to occupancy all Department/Division requirements and sign-offs shall be completed.

Public Health– Environmental Health Services

APN: 0263151250000

Effective Date:

PRAF-2024-00002

Expiration Date:

76 **Medical Waste Generator Permit** - Status: Outstanding

A Medical Waste Generator annual permit shall be required. For information, contact EHS at: (800) 442-2283.

77 **New Alternative Treatment System Permit** - Status: Outstanding

An Alternative Treatment System annual permit shall be required. For information, contact EHS at: (800) 442-2283.

Land Use Services - Land Development

78 **WQMP Improvements** - Status: Outstanding

All required WQMP improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works. An electronic file of the approved final WQMP shall be submitted to Land Development Division, Drainage Section.

79 **LLD Requirements** - Status: Outstanding

All LLD requirements shall be completed by the applicant prior to occupancy.

PRIOR TO RECORDATION

County Fire - Community Safety

80 **F16 Access** - Status: Outstanding

The development shall have a minimum of two (2) points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. a. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty-six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. b. Multi-Story Road Access Width. Fire apparatus access roadways serving buildings that are three (3) or more stories or thirty (30) feet or more in height shall be a minimum of thirty (30) feet in unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

PRIOR TO FINAL INSPECTION

County Fire - Community Safety

81 **F11 Combustible Vegetation** - Status: Outstanding

Combustible vegetation shall be removed as follows: a. Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less. b. Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less. County Ordinance #3586

82 **F24 Fire Lanes** - Status: Outstanding

The applicant shall submit a fire lane plan with the building construction plans to the Fire Department for review and approval. Fire lane curbs shall be painted red. "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.

83 **F25 Street Sign** - Status: Outstanding

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

84 **F35 Hydrant Marking** - Status: Outstanding

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

85 **F39 Fire Sprinkler NFPA 13D** - Status: Outstanding

An automatic life safety fire sprinkler system complying with NFPA Pamphlet #13D and Fire Department standards is required. The applicant shall hire a licensed fire sprinkler contractor or be an approved owner/builder. The fire sprinkler contractor/installer shall submit plans with hydraulic calculations and manufacturer's specification sheets to the Fire Department for approval. The required fees shall be paid at the time of plan submittal. Minimum water supply shall be in accordance with current fire department standards. The applicant or contractor shall contact their local water purveyor to obtain specifications on installing a residential fire sprinkler system within the jurisdiction of the water purveyor. The applicant shall attach a letter from the water purveyor indicating the types of systems allowed in that jurisdiction.

86 **F41 Fire Alarm** - Status: Outstanding

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

87 **F45 Fire Extinguishers** - Status: Outstanding

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

88 **F51 Commercial Addressing** - Status: Outstanding

Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum eight (8) inches in height and with a one (1) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated address identification shall be displayed on a monument, sign or other approved means with numbers that are a minimum of six (6) inches in height and three-quarter (3/4) inch stroke.

89 **F54 Illuminated Site Diagram** - Status: Outstanding

The applicant shall install at each entrance to a multi-family complex an illuminated diagrammatic representation of the complex, which shows the location of each unit and each fire hydrant. Plans for the illuminated site diagram shall be submitted on the construction plans

90 **F55 Key Box** - Status: Outstanding

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

91 **F56 Override Switch** - Status: Outstanding

Where an automatic electric security gate is used, an approved Fire Department override switch (Knox ®) is required.

92 **F57 Spark Arrestor** - Status: Outstanding

An approved spark arrestor is required. Every chimney that is used in conjunction with any fireplace or any heating appliance in which solid or liquid fuel are used, shall have an approved spark arrestor visible from the ground that is maintained in conformance with the California Fire Code.

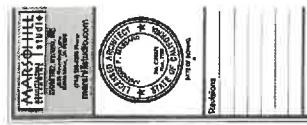
If you would like additional information regarding any of the conditions in this document, please contact the department responsible for applying the condition and be prepared to provide the Record number above for reference. Department contact information has been provided below.

Department/Agency	Office/Division	Phone Number
Land Use Services Dept.	San Bernardino Govt. Center	(909) 387-8311
(All Divisions)	High Desert Govt. Center	(760) 995-8140
Web Site	https://lus.sbccounty.gov/	
County Fire	San Bernardino Govt. Center	(909) 387-8400
(Community Safety)	High Desert Govt. Center	(760) 995-8190
Web Site	https://www.sbcfire.org/	
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
Dept. of Public Works	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149
	Traffic	(909) 387-8186
Web Site	https://dpw.sbccounty.gov/	
Dept. of Public Health	Environmental Health Services	(800) 442-2283

Web Site	https://dph.sbccounty.gov/programs/ehs/	
Local Agency Formation Commission (LAFCO)	(909) 388-0480	
Web Site	http://www.sbcclfco.org/	
	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.)	See condition text for contact information...	

Exhibit C

Project Plans



2421 KERN STREET DEVELOPMENT SAN BERNARDINO, CA

PRAF-2024-000002	Issue Date	02/20/25
ENTITLEMENT SUBMITTAL 2		Page

SITE PLAN

SHEET INDEX

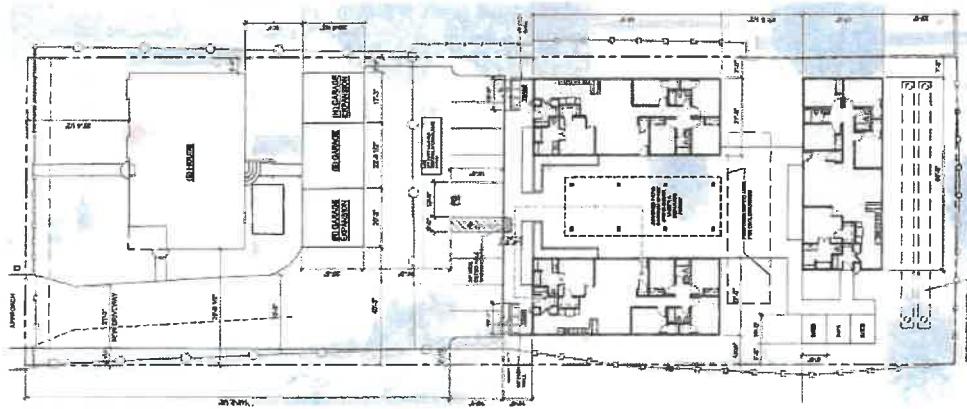
PROJECT TEAM

PROJECT DATA:

VICINITY MAP



PROJECT LOCATION



A scale bar and a north arrow are located in the bottom left corner of the site plan. The scale bar is labeled 'SCALE 1IN = 150' and shows a 150-foot scale. The north arrow is a circle with a crosshair pointing upwards.

Kern Street Expansion



2421 Kapp St., San Bernardino, CA 92317

Kern Street Existing Site Images



Front of Existing Property

Kern Street Existing Site + Neighborhood Images

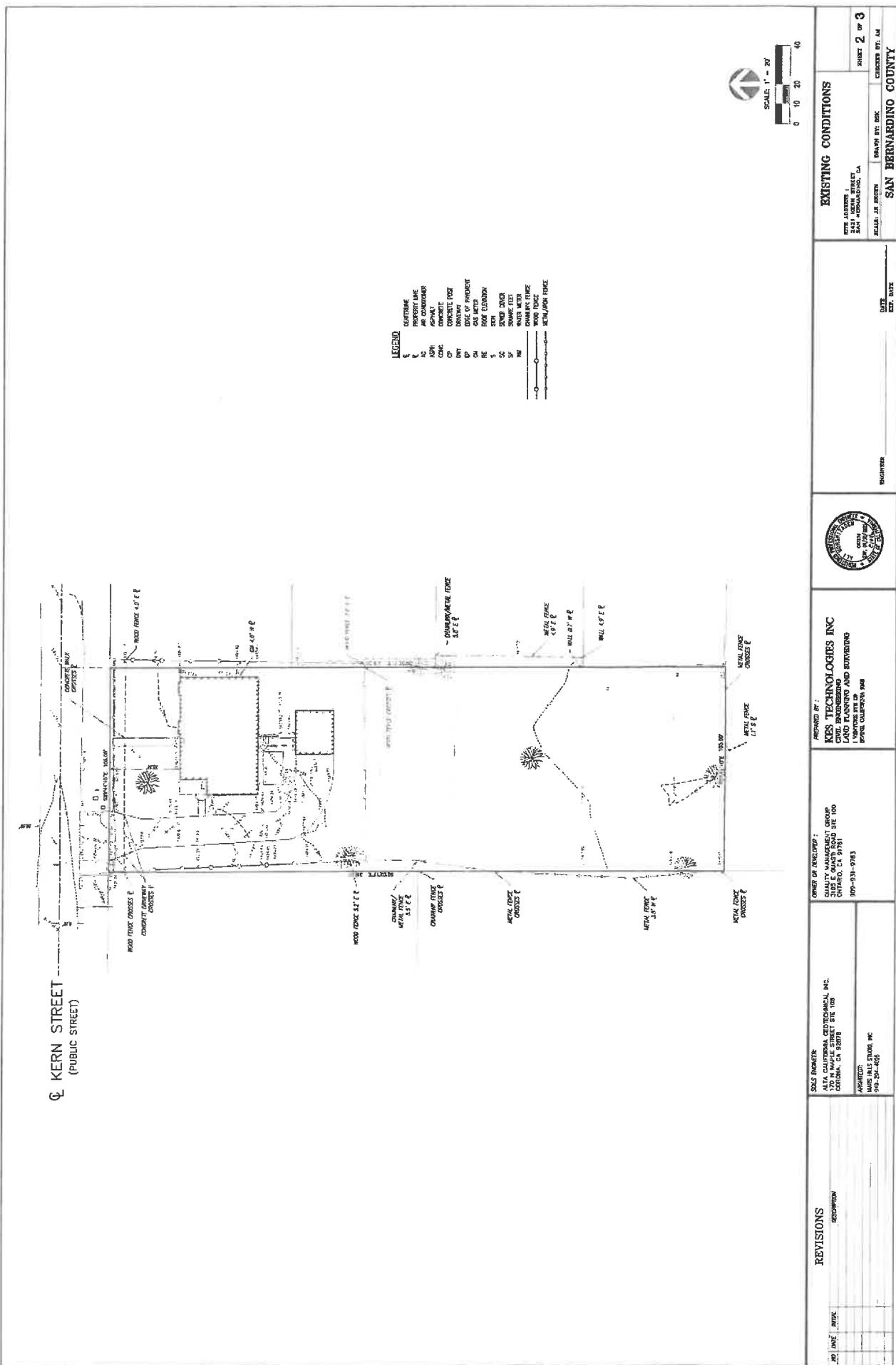


Adjacent property

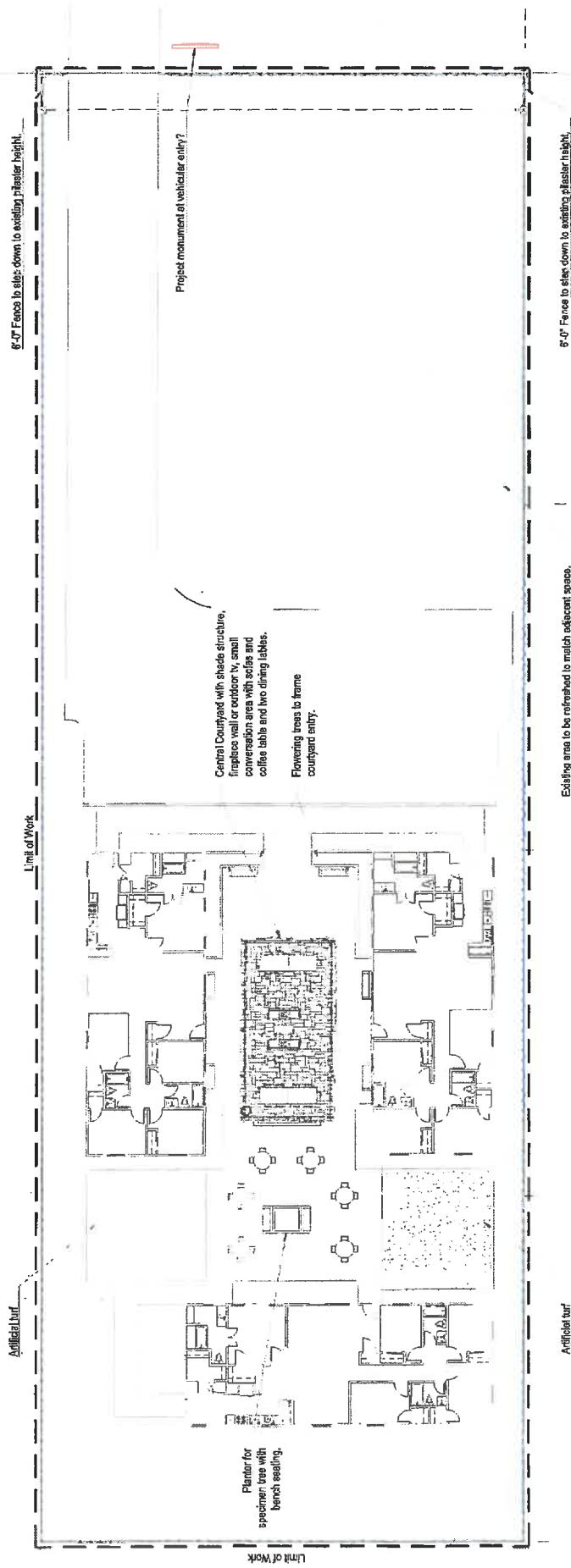
Kern Street Existing Site | Images



THEORY AND PRACTICE IN THE FIELD OF HUMANITIES



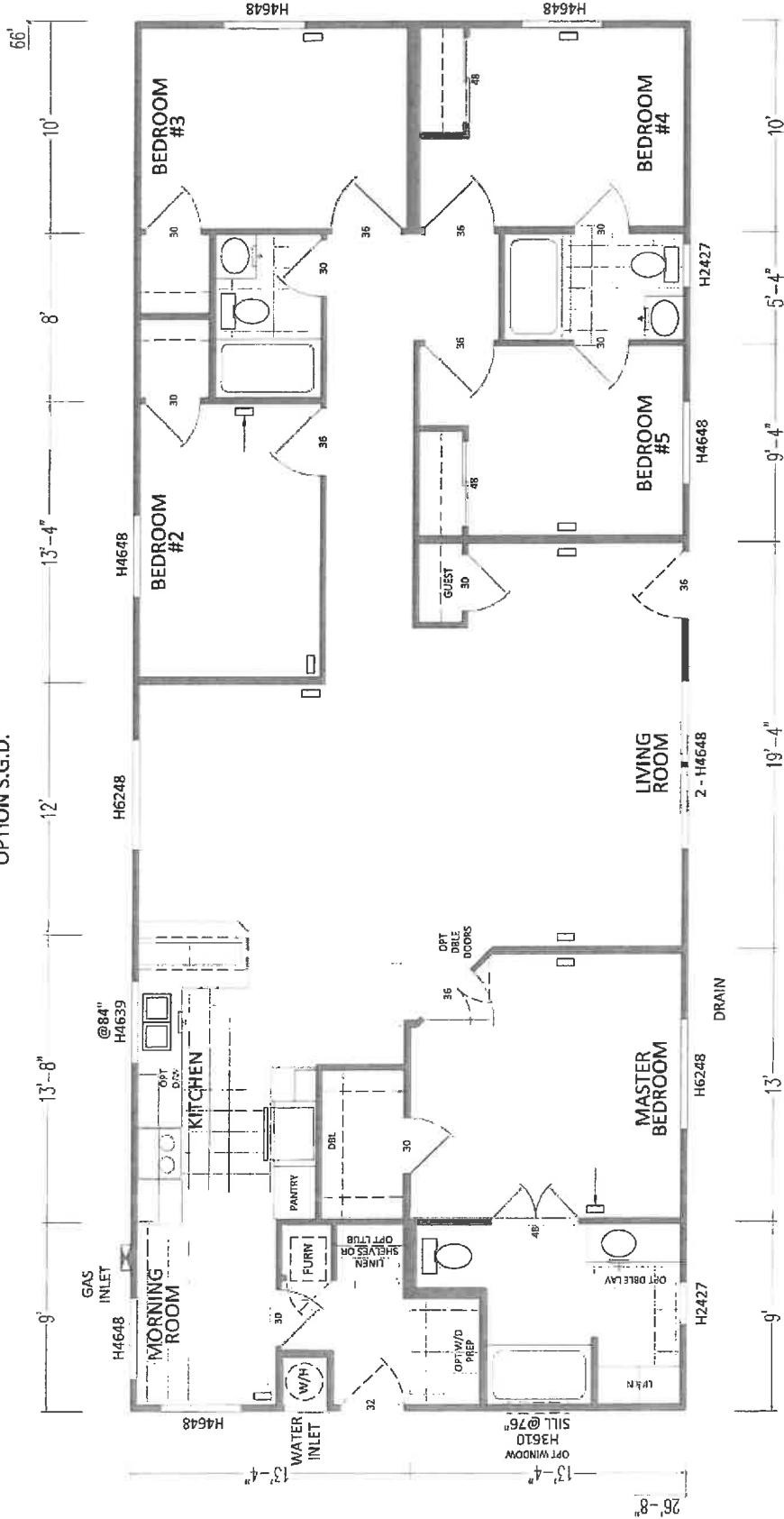
Conceptual Wall & Fence Plan



SHIP AS 16 WIDE

ROOM DIMENSIONS MAY
CHANGE PER CONSTRUCTION
PRINTS.

OPTION S.G.D.



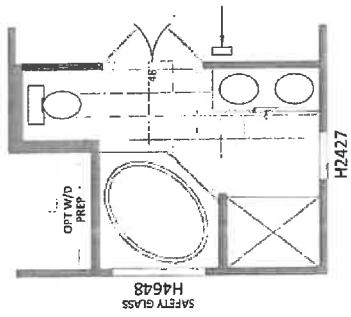
K730CT 5BD - 3BA 6628 (1760 SQ. FT. LIVING)

SCALE: 1/8" = 1'-0"

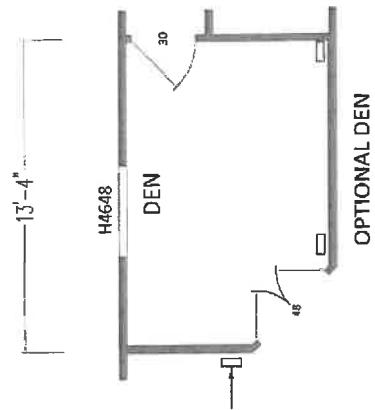
CUSTOMER: -----

SKYLINE		REVISIONS	REVISION DATE:	DRAWN DATE:	DRAWN BY:	DRAWN BY:	DRAWING TITLE:	MODEL NO.	REF NO.
DIVISION 31, P.O. BOX 670 SAN JACINTO, CA 92581 (951) 654-9321				6-21-17	DCS		<i>SALES FLOOR PLAN</i> 6628-5BD-38A	K730CT	AL-101
			REVISION BY:						

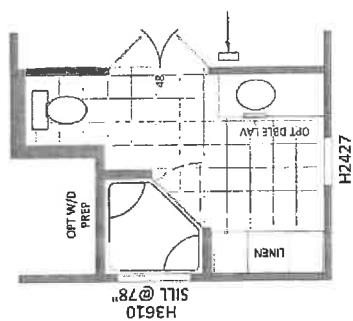
(DIVISION-31) M:\\AllEngineering\\Standard Plans\\Amber Cave (4500-4600)\\K600-800\\K730\\K730 Corp Rev A.lnk.dwg 3/22/2021 8:32 AM



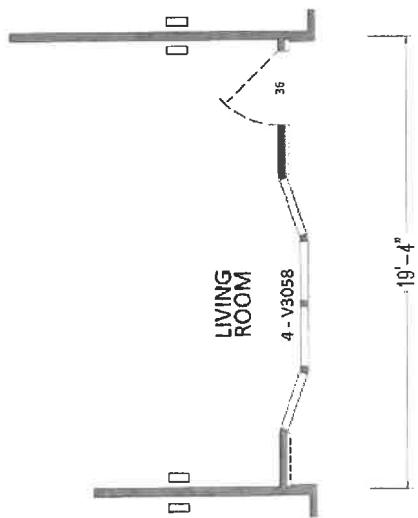
OPTIONAL CORNER TUB BATH



OPTIONAL DEN



OPTIONAL CORNER SHOWER BATH



OPTIONAL RECESSED ENTRY

SCALE: 1/8" = 1'-0"

SKYLINE

CUSTOMER: -----

DRAWING TITLE: SALES FLOOR PLAN OPTIONS

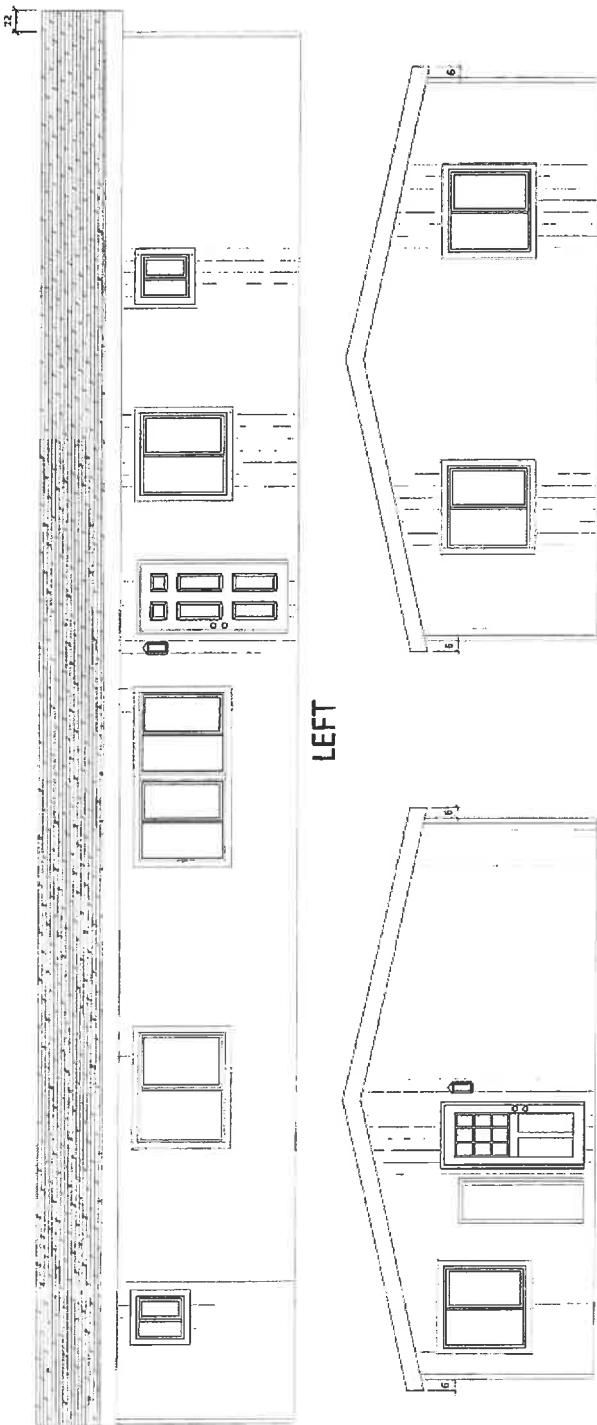
MODEL NO. K730CT

REF. NO. 6628-5BD-3BA

REF. NO. AL-102

(DW/DN/31) M-MAINengineering/Standard Plans/Amherst Cove (4500-4600)(K600-800)(K730)(K730) Ctrp Rev A Ink.dwg 3/2/2021 9:32 AM

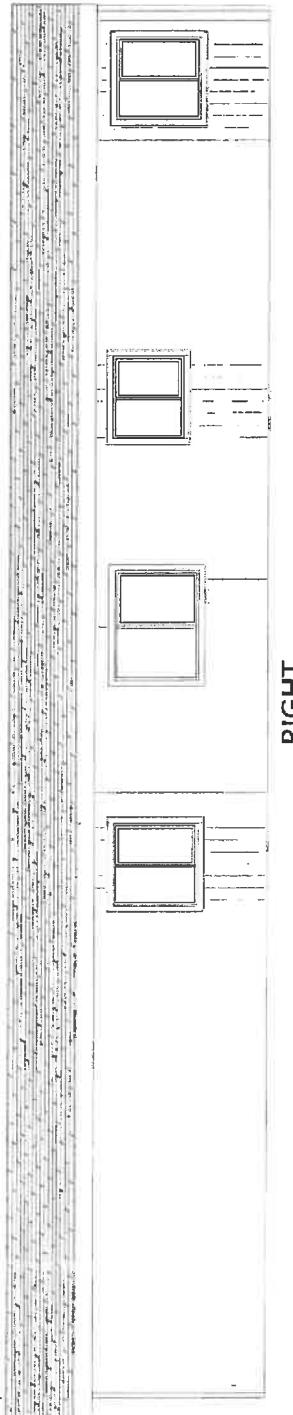
REVISIONS	REVISION DATE	DRAWN DATE	MODEL NO.	REF. NO.
REVISION BY:	DRAWN BY:	REV. A	DAPIA	REF. NO.
	6-21-17	DCS	K730CT	AL-102



FRONT

REAR

12'



RIGHT

CUSTOMER: ----

REVISIONS		REVISION DATE:	DRAWN DATE:	DRAWING TITLE:		MODEL NO.	SHEET NO.
REVISION BY:	REVISION BY:	DCS	6-21-17	EXTERIOR ELEVATIONS		K730CT	AE-101
DIVISION 31, P.O. BOX 670 SAN JACINTO, CA 92581 (951) 654-9321						REV. A	REF NO.
						DAPIA	REF. ----

(DIVISION-31) M+A/M Engineering/Standard Plans/Amherst Cove (450-4800) (K600-400) K730K730 Corp Rev A Ink.dwg 3/2/2021 9:32 AM

SKYLINE

F-49C TRUSS

F-49C TRUSS SK49C TRUSS

43 3/4

96 8/19 33

15'-1 1/4"

3 3/4

8/19 83

13'-4"

26'-8"

131-41

UNIT DIMENSIONS ARE NOT TO BE USED AS SHIPPING DIMENSIONS.

ALL DIMENSIONS ARE APPROXIMATE AND MAY NOT REFLECT THE TRUE WIDTH AND HEIGHT OF EACH UNIT. DIMENSIONS DO NOT INCLUDE SIDING, TRIM, EAVES, ROOF Drip RAIL, HOSE BIBBS, FLUES, ETC.

CUSTOMER: _____

SKATE

DIVISION 31, P.O. BOX 670
6AN JACINTO, CA 92581
(951) 654-9321

E: CROSS SECTION 66228-580-388

VISION-31 M:\All\Engineering\Standard Plant\Amber Cove (4600-4600)\K7301\K730 Corp Rev A.lnk.dwg 3/21/2021 5:32 AM

Health Facility Countyard Gardens PAD

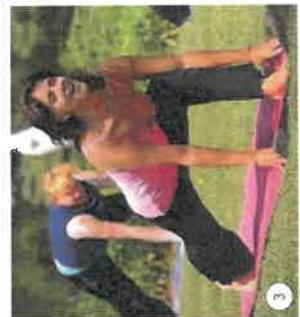
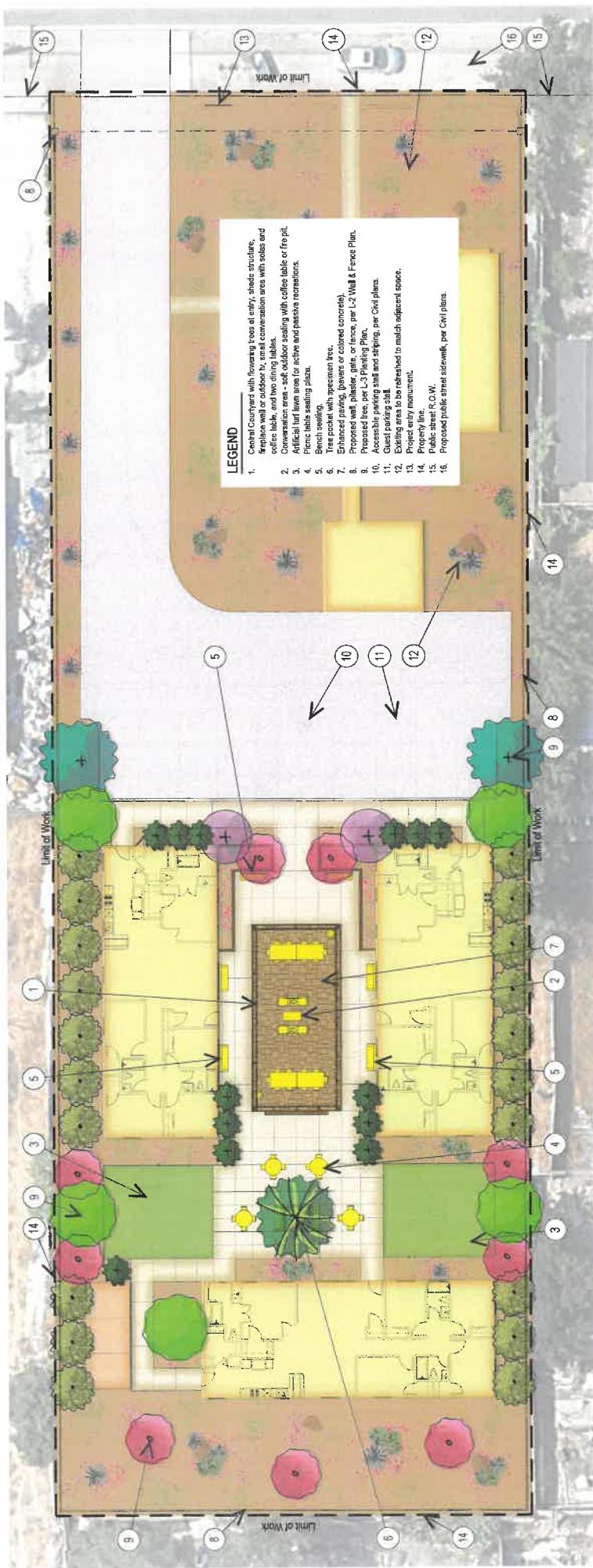
Project No.: RES005-01 Date: Dec. 16, 2024

17

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10

Conceptual Landscape Plan



*Conceptual images (provided herein are conceptual and subject to change)

Health Facility Courtyard Gardens PAD

1st City Solutions | Project No. KES500-0
Date Disc. 16, 2024

L-2



Scale

0' 5"

20'

1'

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11"

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Exhibit D

Project Notice

Comment

Letter

Mujica, Oliver

From: Steven Perez <stevenperez749@yahoo.com>
Sent: Wednesday, March 12, 2025 8:50 AM
To: Mujica, Oliver
Subject: Project Notice

You don't often get email from stevenperez749@yahoo.com. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

Project Number: PRAF-2024-00002

Parcel No: 0263-151-25

Location- 2421 Kern St Muscoy

Don't think this is a good idea. There is already a lot of people living in Muscoy. Adding more people and more homes just makes things worse.

[Sent from Yahoo Mail for iPhone](#)

Mujica, Oliver

From: Mayra Ruiz <ruizmayra22@yahoo.com>
Sent: Tuesday, March 18, 2025 4:17 PM
To: Mujica, Oliver
Subject: Project Notice

[You don't often get email from ruizmayra22@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

My name is Mayra Ruiz

I received a letter about project Notice Project number PRAF-2024-00002 Assessor Parcel number 0263-151-25 I will like to know more about it I m not ok what they are going to do because long time ago the persons who lived on the back use to smoke and trow trash in my property and I always by my self and I don't know if they rehab people Sent from my iPhone

Mujica, Oliver

From: Veronica Tucker <tuc15@yahoo.com>
Sent: Tuesday, March 18, 2025 7:50 PM
To: Mujica, Oliver
Cc: Wifey Gomez; Guillermo Gomez
Subject: Re: PRAF-2024-00002 Parcel: 0263-151-25

[You don't often get email from tuc15@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

>
> Dear Mr. Mujica,
>
> I am writing regarding the application submitted to County Planning for an occupancy increase at 2421 Kern Street. As a long-term resident in this neighborhood, I want to formally express my strong concerns and opposition to this request due to ongoing safety and quality-of-life issues.
>
> Currently, there are up to 10 residents in the home, and my family has experienced repeated disturbances, including individuals approaching our door asking for food and engaging with my underage granddaughter and other female family members. Additionally, there have been loud arguments and police interventions at the property, which can be verified with local law enforcement. Increasing occupancy by 30 more residents, particularly individuals who may require specialized supervision, raises serious concerns about potential uncontrolled social behaviors that could further impact the safety of my family and the community.
>
> This area is zoned for single-family homes, and the proposed increase in occupancy is not in alignment with the intended use of the neighborhood. Given our direct experiences, I request that my opposition to this application be officially recorded for the sake of my family's safety and well-being.
>
> Please confirm receipt of this email and let me know the next steps regarding this matter. I appreciate your time and consideration.
>
> Respectfully,
> The Gomez Family