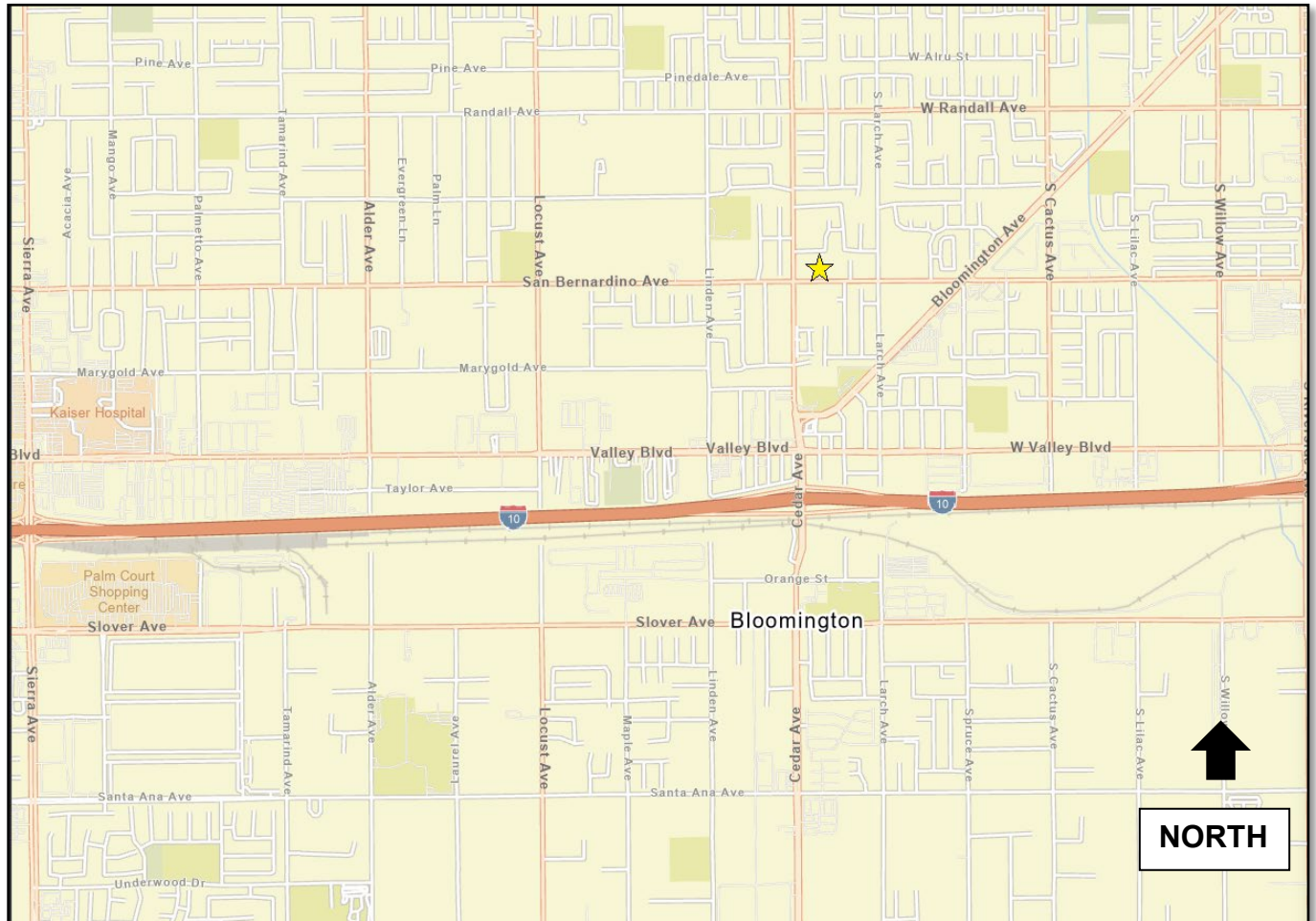




15,350-square foot multi-tenant commercial building, located at the Northeast corner of Cedar Avenue and San Bernardino Avenue, subject to the Conditions of Approval; **DIRECT** the Land Use Services Department to file the Notice of Determination in accordance with CEQA.

Figure 1 - Vicinity Map



**Figure 2 – Commercial Land Use Category**

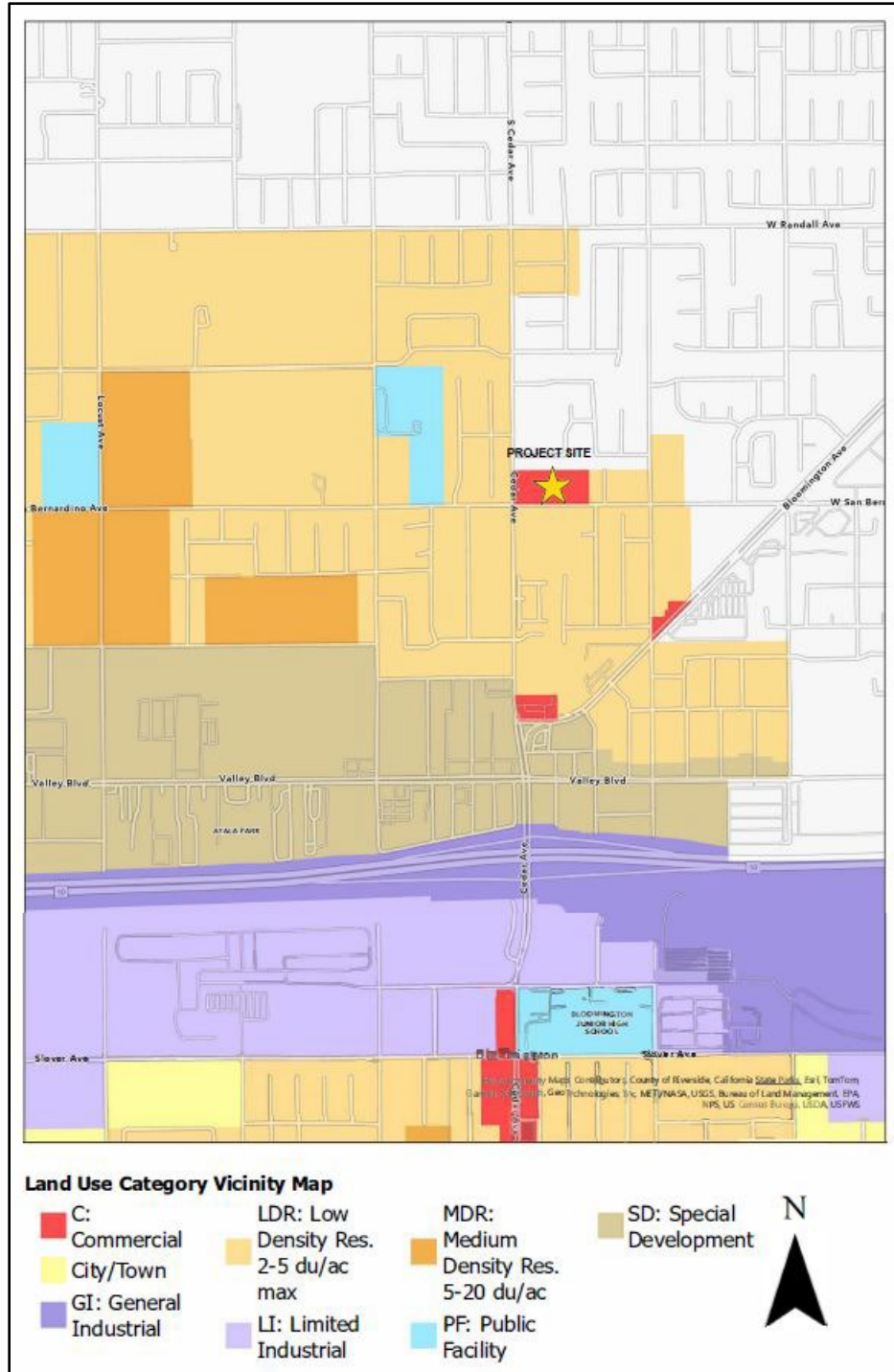


Figure 3 - Land Use Zoning District Map

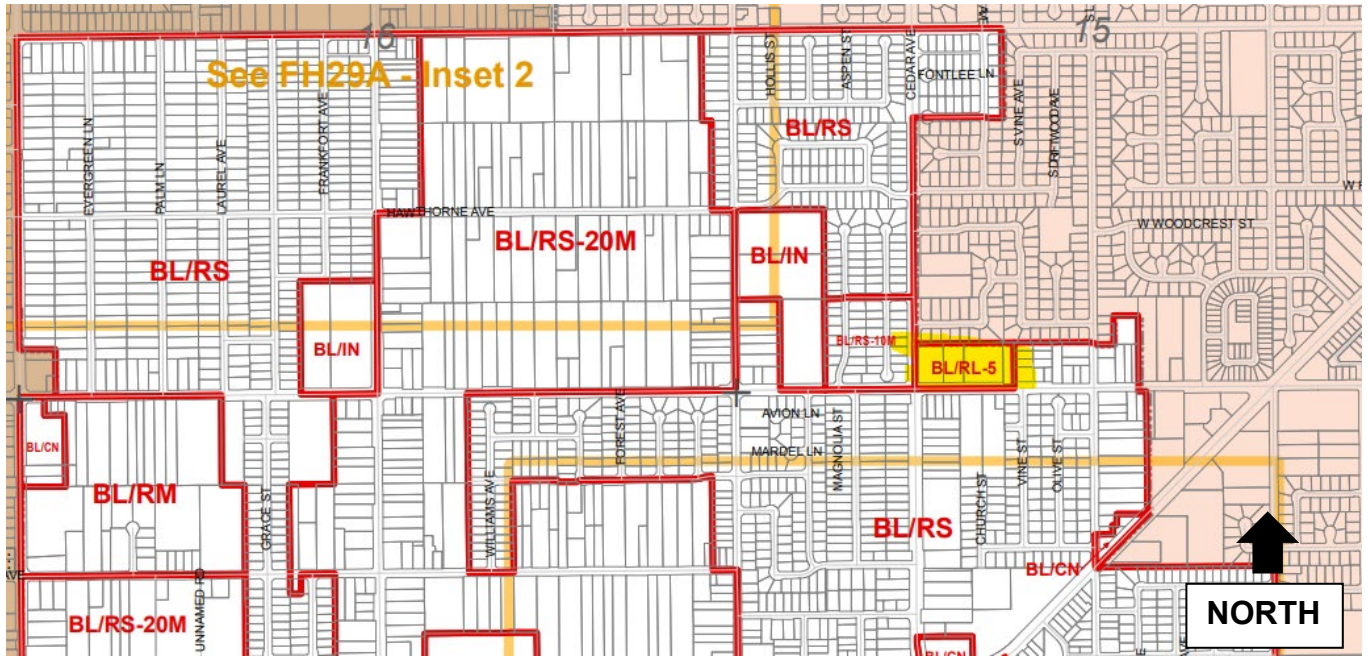


Figure 4 - Aerial Map





Figure 6 - Proposed Elevations



Figure 7 - Two-Story Multi-Tenant Commercial Building

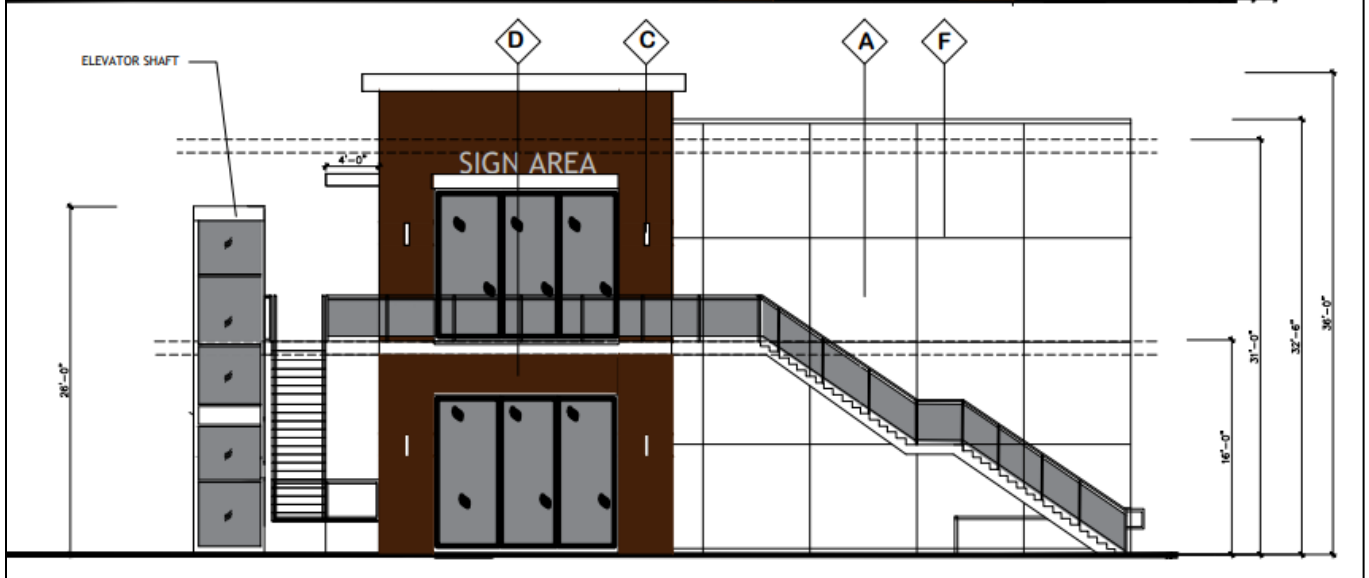
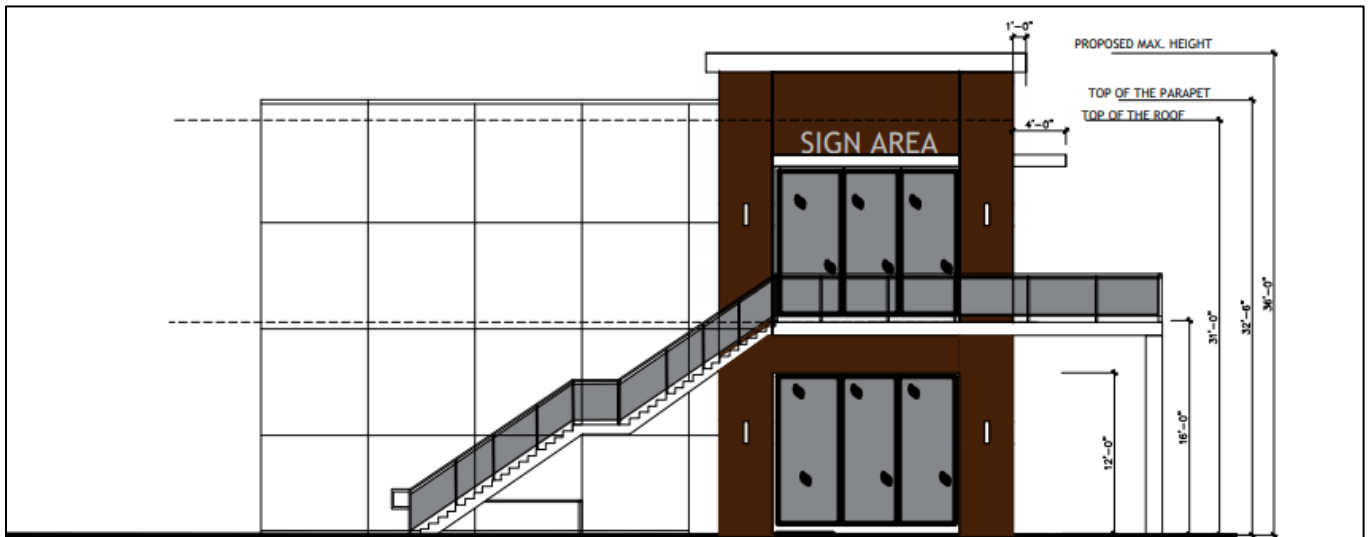
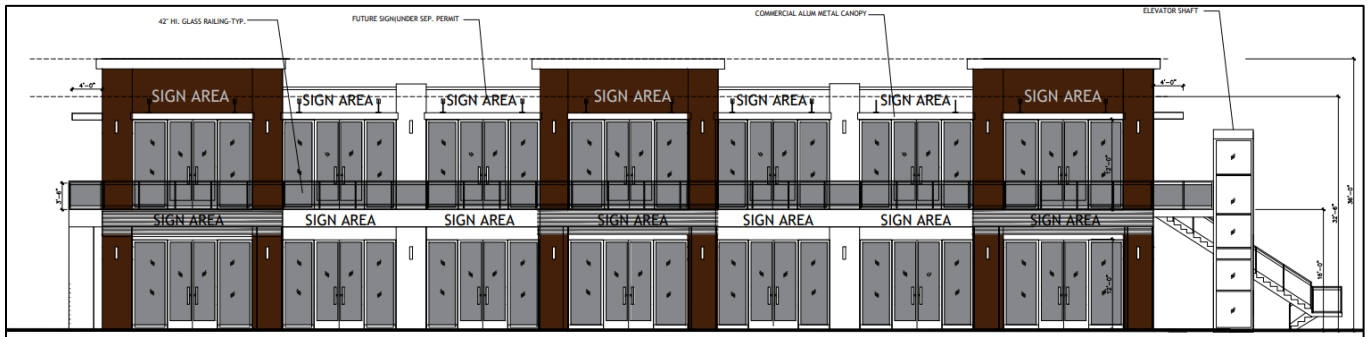
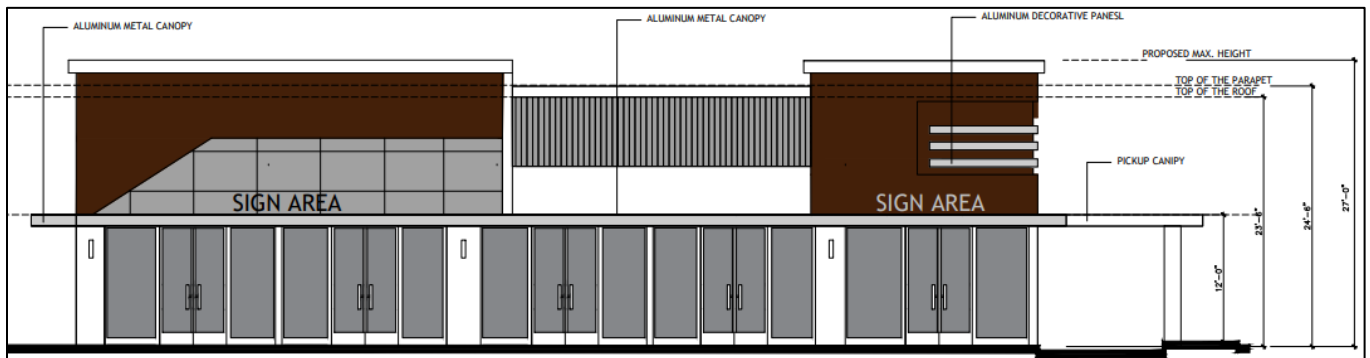




Figure 8 - Restaurant



### Figure 9 - Existing Site Conditions

View looking north on Cedar Avenue



View looking east on San Bernardino Avenue

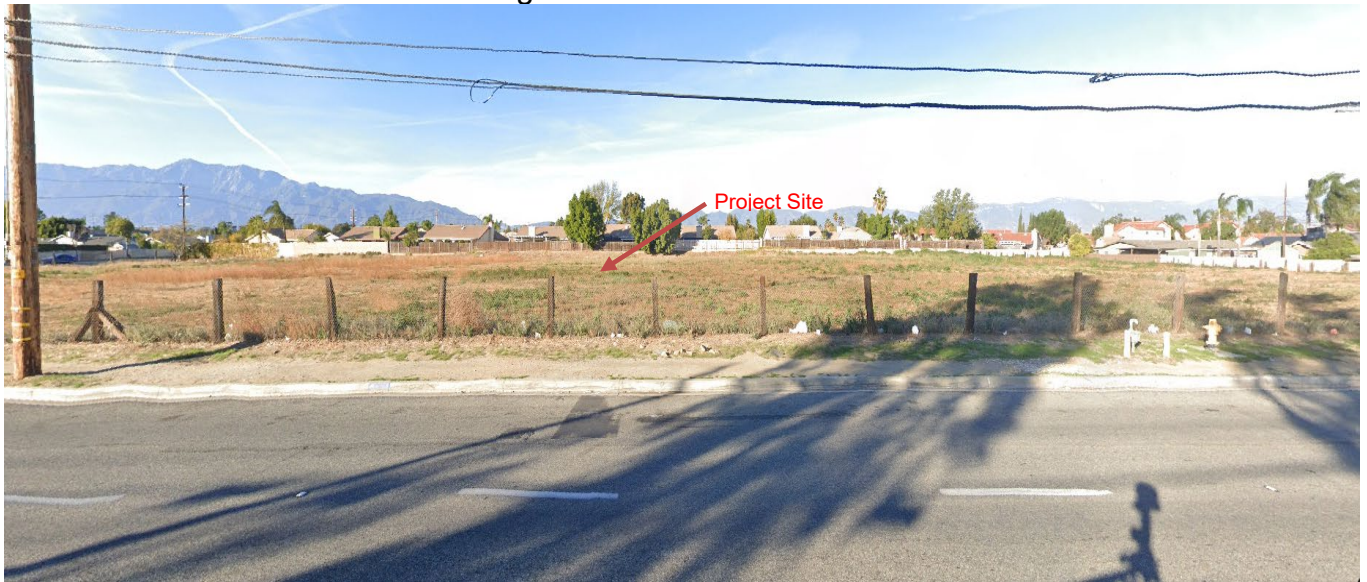


### Figure 10 - Existing Site Conditions

View looking east on Cedar Avenue



View looking north on San Bernardino Avenue



## **PROJECT DESCRIPTION:**

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

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

## **PROJECT ANALYSIS:**

Site Planning: The subject property is located in the Commercial (C) Land Use Category designation per the Countywide Plan, Policy Plan (General Plan), which was adopted on October 27, 2020. The General Plan designated the subject parcel as Commercial; however, the comprehensive Zoning Map Update has not been completed, and the parcel remains in the Rural Living-5 Acre Minimum Lot Area (RL-5). The Zoning Amendment from the RL-5 to CG Zoning District will bring the parcel into conformance with the Commercial (C) Land Use Category pursuant to Government Code Section 65860.<sup>1</sup>

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

The proposed development is designed with four-sided architectural interest with varying roof heights. Entrance to the development is available through either on entrance on Cedar Avenue or from two proposed entrances on San Bernardino Avenue. Parking spaces are located throughout the development for a convenient “park once” environment. The proposed site plan (Exhibit E) provides an adequate area to accommodate all parking, landscaping, setbacks,

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<sup>1</sup> The Zoning Amendment is consistent with the requirements of the Housing Crisis Act of 2019 (Government Code Section 66300). The 2020 update to the General Plan changed the Project Site’s land use designation from Rural Living to Commercial consistent with Government Code Section 66300’s “no net loss” exception. The update to the zoning designation is required in order to ensure general plan consistency pursuant to Government Code Section 65860 and is covered by the previous no net loss exception.

access, and circulation requirements to comply with the San Bernardino County Development Code (see Table 2 below).

Code Compliance Summary: The table below demonstrates the Project’s compliance with Development Code requirements and how the Site Plan (Exhibit E) complies with those standards.

**Table 2: PROJECT CODE COMPLIANCE**

Project Component	San Bernardino County Development Code		Project Plans
Service Station, Convenience Store, Car Wash, Restaurant and General Retail, Greater than 10,000 square feet	Conditional Use Permit		Conditional Use Permit
Parking	146		146 total spaces which include 6 ADA accessible spaces
Landscaping	Minimum Landscaping	20% /34,609sf	21% or (37,179sf)
Building Setbacks	Front	25'	77'
	Interior Side	10'	15'
	Street Side	15'	36'
	Rear	10'	10'
Building Height	60 feet maximum		42 feet
Maximum Lot Coverage	80%		8.2%
Drive Aisles	24'		26'

Landscaping: The conceptual landscape plan identifies compliance with the Landscaping Standards provided in Development Code Section 83.10.060, and Table 83-12 “Minimum Landscaped Area”. The Development Code requires at least 20% of the parcel to be landscaped, and the landscaping plans identify that approximately 21% of the parcel will be landscaped.

Fencing: The Project will include an eight (8) foot masonry wall extending east from the existing 8-foot concrete barrier to the northeastern property line and along the eastern side of the proposed trash enclosure. The remaining portion of the parcel will be conditioned to provide a 6-foot-tall concrete wall. Walls/fences existing and proposed on all property lines shall be consistent with Development Code Section 83.02.060 – Screening and Buffering requirements.

Hours of Operation: The Project will operate twenty-four (24) hours a day, seven (7) days per week. The car wash is conditioned to operate from 7:00 a.m. to 10:00 p.m. (Exhibit B). There will be a mix of approximately 10-15 full- and part-time employees split into shifts.

Environmental Justice Focus Area: The Project site is located adjacent to an Environmental Justice Focus Area. Although not required to meet General Plan policies related to environmental justice, the applicant has initiated a Community Outreach effort and held two meetings within the community to inform the residents and any other interested parties of the Project. The first meeting was conducted with the Bloomington MAC group on November 2, 2022, and the second meeting was conducted on December 7, 2022, where the applicant presented a formal presentation to the MAC group and the public. The applicant answered questions from the public

and Environmental Justice organizations. The applicant continues to keep interested parties updated with the Project status.

**ENVIRONMENTAL REVIEW:**

An Initial Study (IS) has been completed in compliance with the California Environmental Quality Act (CEQA)(Exhibit C). The IS concludes that the Project will have a less than significant adverse impact on the environment with the implementation of recommended mitigation measures contained in the IS, which have been incorporated in the Conditions of Approval (Exhibit B) and the Mitigation Monitoring & Reporting Program (MMRP) (Exhibit D). A Notice of Availability/Notice of Intent (NOA/NOI) to adopt a Mitigated Negative Declaration (MND) was advertised and distributed to initiate a 30-day public review period, which concluded on January 18, 2024. Two comment letters to the NOA/NOI were received from the adjacent neighbors. The first letter requested to know if the Project would include 5 lanes to accommodate left-hand turns to alleviate traffic concerns on Cedar Avenue when making an eastbound turn onto Miramont Avenue. The area that the commenter is referring to is located outside of the Project area; however, the Traffic Impact Analysis (TIA) identified that there will be a two-way left turn lane north of San Bernardino Avenue to Miramont Avenue. The second letter identified concerns about the rezoning due to increased traffic and privacy concerns. The commenter requested a block wall, and the site plan identifies that there will be a 6-foot tall block wall along the perimeter adjacent to their property.

Following are summaries of topics addressed in the MND:

Air Quality: The Project site is in the South Coast Air Basin (SCAB). The South Coast Air Quality Management District (SCAQMD) has jurisdiction over air quality issues and regulations within the SCAB. The operational and construction emission summaries show that the Project does not exceed thresholds for operation or construction. The Project would be required to comply with Rules 402 nuisance and 403 Fugitive dust, which require the implementation of Best Available Control Measures (BACMs) for each fugitive dust source, and the AQMP, which identifies Best Available Control Technologies (BACTs) for area sources and point sources.

Water Quality: A Preliminary Water Quality Management Plan (WQMP) has been approved by the Land Development Division to comply with the requirements of the San Bernardino County National Pollutant Discharge Elimination System (NPDES) Area-wide Stormwater Program. The Project drainage system will collect storm water runoff into an infiltration and catch basin designed and sized to accept storm water flows for on-site percolation within the prescribed period of time to avoid the nuisance of standing water. Requirements for approval of the final WQMP have been incorporated in the conditions of approval (Exhibit B).

Traffic:

A Traffic Impact Analysis (TIA) has been prepared in accordance with the San Bernardino County Congestion Management Program (CMP) Guidelines for CMP Traffic Impact Analysis Reports. The Project is forecasted to generate a total of approximately 9,247 new daily trips, including 277 new trips during the AM peak hour and 317 new trips during the PM peak hour.

Level of Service Analysis shows that the Project is forecasted to result in no substantial transportation effects relating to Level of Service (LOS) operations for the Existing Plus Project and Opening year (2024) with Project conditions. All intersections and Project driveways in the

study area are expected to operate at an acceptable level of Service D or better during the peak hours for the opening year 2024, with Project conditions. To maintain an acceptable LOS at the study intersection, the following improvement will be mitigated via fair share for the year 2040 without Project conditions:

1. Locust Avenue (NS) at San Bernardino Avenue (EW) – (Fair share of \$2,437)
  - Modify northbound striping to provide left-turn lane and shared through-right lane.
  - Modify southbound striping to provide left-turn lane and shared through-right lane.

The Project is forecasted to operate within acceptable Levels of Service D or better during the peak hours.

Based on the review of the proposed development and location, the Project satisfies the County-established Vehicle Miles Traveled (VMT) screening criteria. Therefore, preparation of a transportation impact study with VMT is not warranted.

The Project is conditioned to provide the necessary improvements and development impact fees (Exhibit B – Condition No. 87).

**PUBLIC COMMENTS:**

On March 9, 2023, Project notices were sent to surrounding property owners within 300 feet of the Project site, as required by Development Code Section 85.03.080. No comments or opposition were received.

On December 18, 2023, a notice of availability of the Draft IS/MND was sent to surrounding property owners and responsible agencies as part of the CEQA process. As noted, in response to the Project notices, two comment letters were received from residents near the Project (Exhibit F).

**RECOMMENDATION:** That the Planning Commission recommend that the Board of Supervisors:

- 1) **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Exhibits C and D);
- 2) **ADOPT** the Findings in support of the Zoning Amendment and the Conditional Use Permit (Exhibit A);
- 3) **ADOPT** an ordinance to amend the Land Use Zoning District from Rural Living 5-acre Minimum Lot Area (RL-5) to General Commercial (CG) for one parcel totaling approximately 4 acres (Exhibit G);
- 4) **APPROVE** the Conditional Use Permit for a commercial retail plaza consisting of a gas station with a 5,200-square foot convenience store with a 1,485 square foot car wash, a 5,740-square foot restaurant and a 15,350-square foot multi-tenant commercial building, located at the Northeast corner of Cedar Avenue and San Bernardino Avenue, subject to the Conditions of Approval (Exhibit B); and

5) **DIRECT** the Land Use Services Department to file the Notice of Determination in accordance with the California Environmental Quality Act.

ATTACHMENTS:

- EXHIBIT A: Findings
- EXHIBIT B: Conditions of Approval
- EXHIBIT C: [Initial Study/Mitigated Negative Declaration](#)
- EXHIBIT D: Mitigation Monitoring and Reporting Program
- EXHIBIT E: Site Plan
- EXHIBIT F: Comment letters
- EXHIBIT G: Proposed Ordinance



## **EXHIBIT A**

# Findings

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**FINDINGS - ZONING AMENDMENT.** The zoning amendment is to establish the appropriate zoning classification that supports the existing Commercial (C) Land Use Category designation. The zoning amendment proposes to amend the approximate 4-acre parcel from Rural Living 5-Acre Minimum Lot Area (RL-5) to General Commercial (CG) (referred to as “Zoning Amendment” or “Project”). This amendment will bring the parcel into conformance with the Commercial (C) Land Use Category of the Countywide Plan that was established in 2020. The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 86.12.060, and supporting facts:

**1. The proposed amendment is internally consistent with all other provisions of the Policy Plan.**

The Project includes a change that would re-designate the 3.97-acre site from Rural Living 5-acre Minimum Lot Area (RL-5) to General Commercial (CG) on the Zoning Map. Based on the evidence contained in the Project’s supporting documents, the Zone Amendment is internally consistent with and will further the goals and policies of the Countywide Plan, Policy Plan (General Plan) as further indicated below:

**Policy LU-1.1 Growth**

We support growth and development that is fiscally sustainable for the County. We accommodate growth in the unincorporated county when it benefits existing communities, provides a regional housing option for rural lifestyles or supports the regional economy.

Consistency. The Project would allow for closer proximity of services to the nearby existing community. The proposed local serving gas station and commercial services that will be established will support the regional economy and provide opportunity for employment and access to goods and services.

**Policy LU-1.2 Infill development**

We prefer new development to take place on existing vacant and underutilized lots where public services and infrastructure are available.

Consistency. The Project is planned on a 3.97-acre site that is currently vacant. The Project will require a sewer connection with the City of Rialto, and the West Valley Water District will serve the site for water and the San Bernardino County Fire Department for fire services.

**Policy LU-2.1 Compatibility with existing uses**

We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as not to hinder the viability and continuity of existing conforming nonresidential development.

Consistency. The Project incorporated design features and measures to respond to potential site conditions, including landscaping along the northern and eastern property boundaries, an 8-foot-tall concrete masonry unit (CMU) wall along a portion of the north property line, stepping down to a 6-foot-tall CMU wall that will extend to the eastern property boundary. The Project is also conditioned to provide sidewalks along the southern property line on San Bernardino

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Avenue, which will connect the nearby residents to the proposed commercial development and the traffic signal safely.

**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 proposed Zoning Amendment would bring the parcel into conformance with the established Land Use Category of Commercial. The proposed zoning, General Commercial (CG) is a consistent zoning designation under the Commercial Land Use Category. The development of the site will require conformance with landscaping, parking, and performance standards that are identified in the Development Code.

**Policy LU-2.10 Unincorporated commercial development**

We intend that new commercial development in the unincorporated areas serve unincorporated residential areas, tourists, and/or freeway travelers. We encourage new commercial development to be concentrated to enhance pedestrian circulation and reduce vehicular congestion and vehicle miles traveled, with new development directed into existing centralized areas when possible.

Consistency. The Project proposes to establish a local serving gas station, a restaurant, and a multi-tenant commercial building, which will serve the local residents and with close proximity to Interstate 10, will also serve freeway travelers. The new development is located on a vacant parcel at the northeast intersection of San Bernardino Avenue and Cedar Avenue, the development is providing the required amount of parking so as to not congest the local residential streets. Additionally, the internal circulation provides links for pedestrians to safely access the commercial development.

**2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.**

The proposed Zone Amendment from Rural Living 5-Acre Minimum (RL-5) to General Commercial (CG), was analyzed through the preparation of an Initial Study and found not to have a significant impact on environment. The Project will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or welfare, or injurious to the property or improvements in the proposed plan area and its vicinity. The public interest will be served in that the Project will generate increased revenue to the community, due to increased property taxes and payment of the transportation impact fees once future development is constructed. The proposed Project will also promote economic development within the local community, including construction and industrial related jobs, expanding business opportunities, all of which support local businesses and improve the jobs and housing balance and economic diversity in the area. The environmental analysis found the Project would not jeopardize or constitute a hazard to people, property or improvements in

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the vicinity given that future development will utilize and improve upon existing roadways and services offered to the surrounding area.

**3. The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised.**

The Countywide Policy Plan currently designates this project area as Commercial, the Zone Amendment from Rural Living, 5-Acre Minimum (RL-5) to General Commercial, (CG) will bring the parcel into conformance with the previously established Commercial Land Use Category. The site is currently vacant, and there are not any existing allowed uses that will be compromised. The community benefit to having this area consistent with the Policy Plan will allow future development to provide commercial opportunities, which will fulfill the intent of the Policy Plan.

**4. The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.**

The Project does not include a Land Use Category change. The Zoning Amendment will fulfill the intent of the Countywide Policy Plan update to establish this area as commercial, and therefore will provide a reasonable and logical extension of the existing Commercial Land Use Category.

**5. The proposed land use zoning district change does not conflict with provisions of this Development Code.**

The Zoning Amendment will not conflict with provisions of this Development Code. The Project was reviewed and determined to be compliant with the proposed Zoning of General Commercial (CG), and Conditions of Approval are included to safeguard continued compliance.

**6. The proposed land use zoning district change will not have a substantial adverse effect on surrounding property.**

The proposed Zoning Amendment has been analyzed and it has been determined through the preparation of an Initial Study and various technical studies that the Zoning Amendment will not have a significant impact on the public health, safety, convenience, or welfare of the surrounding properties. Approval of the Zoning Amendment will not result in a reduction of public services to properties in the vicinity. Adequate public services and facilities exist or will be required to be upgraded to meet the needs of future development on the property and the proposal will be required to comply with applicable Countywide development standards and mitigation measures intended to minimize potentially adverse effects upon surrounding properties.

**7. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage,**

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**wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.**

The proposed Zoning Amendment will not jeopardize or constitute a hazard to property or improvements in the vicinity, given that future development will improve upon the existing roadway system and existing public services. The proposed land use changes will not have a substantial adverse effect on surrounding property, based upon completion of an Initial Study/Mitigated Negative Declaration and will be compatible with the existing and planned land use character of the surrounding area through compliance with County Development Code requirements. The application of existing Development Code requirements to Project development will ensure it will not have a significant impact on public and emergency vehicle access, public services, or utilities or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or welfare, or injurious to the property or improvements in the area.

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**FINDINGS: CONDITIONAL USE PERMIT.** The Conditional Use Permit is to allow a commercial retail plaza consisting of a gas station with a 5,200 square foot convenience store, a 1,485 square foot car wash, a 5,740 square foot restaurant and a two-story 15,350 square foot multi-tenant commercial building (referred to as Project). The following are the required findings, per the San Bernardino County Development Code (Development Code) Section 85.06.040, and supporting facts:

**1. THE SITE FOR THE PROPOSED USE IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE PROPOSED USE AND ALL LANDSCAPING, LOADING AREAS, OPEN SPACES, PARKING AREAS, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES PERTAINING TO THE APPLICATION.**

The Project Site is 3.97-acres in size and is of adequate size and shape to accommodate the proposed use with parking stalls and sufficient drive aisle widths for ingress and egress of the proposed vehicles on-site. All setbacks meet the requirements of the Development Code for the proposed land use and the proposed zoning. The submitted plans show adequate design, parking, landscaping, circulation, access, and setbacks.

**2. THE SITE FOR THE PROPOSED USE HAS ADEQUATE ACCESS, WHICH MEANS THAT THE SITE DESIGN INCORPORATES APPROPRIATE STREET AND HIGHWAY CHARACTERISTICS TO SERVE THE PROPOSED USE.**

The site design and final Conditions of Approval for the Project will provide legal and physical access to the site with one entrance on Cedar Avenue and two entrances on San Bernardino Avenue. The Project's site plan has been reviewed by the County's Land Use Services and Public Works departments and determined to have adequate access to the abutting roadways. The Traffic Impact Analysis identified that a restriping of Cedar Avenue is proposed to create a two way left turn lane to allow turns across the median into and out of the project Site which will further support access to the project Site.

**3. THE PROPOSED USE WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ABUTTING PROPERTY OR THE ALLOWED USE OF THE ABUTTING PROPERTY, WHICH MEANS THE USE WILL NOT GENERATE EXCESSIVE NOISE, TRAFFIC, VIBRATION, LIGHTING, GLARE, OR OTHER DISTURBANCE. IN ADDITION, THE USE WILL NOT SUBSTANTIALLY INTERFERE WITH THE PRESENT OR FUTURE ABILITY TO USE SOLAR ENERGY SYSTEMS.**

The proposed uses will not have a substantial adverse effect on abutting property. The Project's Initial Study/Mitigated Negative Declaration identified Mitigation Measure N-1 that will require an 8-foot high concrete barrier to be constructed extending east from the existing 8-foot concrete barrier to the northeastern property line and also along the eastern side of the proposed trash enclosure and a limitation on the car wash operating hours which will be (7:00 a.m. to 10:00 p.m.) to address noise. The proposed use is required to comply with all requirements of the County Development Code with respect to noise, vibration, lighting and glare. The proposed Project is located on a vacant parcel, within a primarily residential area of the County. The proposed Project is consistent with all County Development Code standards. The Project as conditioned is not anticipated to have adverse effects on abutting properties.

**4. THE PROPOSED USE AND MANNER OF DEVELOPMENT ARE CONSISTENT WITH THE GOALS, MAPS, POLICIES, AND STANDARDS OF THE GENERAL PLAN AND ANY APPLICABLE COMMUNITY OR SPECIFIC PLAN.**

The proposed Conditional Use Permit, together with the provisions for its design and improvement are consistent with the Policy Plan. The project specifically implements the following San Bernardino Policy Plan goals and policies:

**Policy LU-1.1 Growth**

We support growth and development that is fiscally sustainable for the County. We accommodate growth in the unincorporated county when it benefits existing communities, provides a regional housing option for rural lifestyles or supports the regional economy.

Consistency. The Project would allow for closer proximity of services to the nearby existing community. The proposed local serving gas station and commercial services that will be established will support the regional economy and provide opportunity for employment and access to goods and services.

**Policy LU-1.2 Infill development**

We prefer new development to take place on existing vacant and underutilized lots where public services and infrastructure are available.

Consistency. The Project would occur on a 3.97-acre site that is currently vacant. The Project will require the sewer connection with the City of Rialto, and site will be served by the West Valley Water District for water and San Bernardino County Fire Department for fire services.

**Policy LU-2.1 Compatibility with existing uses**

We require that new development is located, scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods. We also require that new residential developments are located, scaled, buffered, and designed so as to not hinder the viability and continuity of existing conforming nonresidential development.

Consistency. The Project incorporated design features and measures to respond to potential site conditions, including landscaping along the northern and eastern property boundaries, an 8-foot-tall concrete masonry unit (CMU) wall along a portion of the north property line, stepping down to a 6-foot-tall CMU wall that will extend to the eastern property boundary. The Project is also conditioned to provide sidewalks along the southern property line on San Bernardino Avenue, which will connect the nearby residents to the proposed commercial development and the traffic signal safely.

**Policy LU-2.4 Land Use Map Consistency**

We consider proposed development that is consistent with the Land Use Map (i.e., it does not require a change in Land Use Category), to be generally compatible and consistent with surrounding land uses and a community's identity. Additional site, building and landscape design treatment per other policies in the Policy Plan and development standards in the Development Code, may be required to maximize compatibility with surrounding land uses and community identity.

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Consistency. The proposed Zoning Amendment would bring the parcel into conformance with the established Land Use Category of Commercial. The proposed zoning, General Commercial (CG) is a consistent zoning designation under the Commercial Land Use Category. The development of the site will require conformance with landscaping, parking, and performance standards that are identified in the Development Code.

**Policy LU-2.10 Unincorporated commercial development**

We intend that new commercial development in the unincorporated areas serve unincorporated residential areas, tourists, and/or freeway travelers. We encourage new commercial development to be concentrated to enhance pedestrian circulation and reduce vehicular congestion and vehicle miles traveled, with new development directed into existing centralized areas when possible.

Consistency. The Project proposes to establish a local serving gas station, a restaurant, and a multi-tenant commercial building, which will serve the local residents and with close proximity to Interstate 10, will also serve freeway travelers. The new development is located on a vacant parcel at the northeast intersection of San Bernardino Avenue and Cedar Avenue, the development is providing the required amount of parking so as to not congest the local residential streets. Additionally, the internal circulation provides links for pedestrians to safely access the commercial development.

Community Action Guides:

The Bloomington Community Action Guide identifies in the Values Statement, that for new development, Bloomington residents value a mix of housing types and densities, and attractive convenient places for shopping, dining, and entertainment, while maintaining rural areas that foster a small-town feel.

Consistency. The Project will provide a mix of dining, shopping and services, in a neighborhood scale, with easily accessible paths to the businesses.

The Bloomington Community Action Guide identifies in the Aspirations Statement that Bloomington contains great neighborhoods, parks and recreation centers, and local services while maintaining a safe, small-town feel.

Consistency. The Project will provide a pedestrian scaled development that will include a restaurant and commercial retail tenants along with local services like the gas station and the car wash.

**5. THERE IS SUPPORTING INFRASTRUCTURE, EXISTING OR AVAILABLE, CONSISTENT WITH THE INTENSITY OF THE DEVELOPMENT, TO ACCOMMODATE THE PROPOSED DEVELOPMENT WITHOUT SIGNIFICANTLY LOWERING SERVICE LEVELS.**

There is supporting infrastructure, available to accommodate the proposed development without significantly lowering service levels. Domestic water service will be provided by the West Valley Water District and a service annexation agreement will be required to connect to the City of Rialto's sewer system. There are public services available to serve the site including water, electricity, gas, telephone, and cable.



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**6. THE LAWFUL CONDITIONS STATED IN THE APPROVAL ARE DEEMED REASONABLE AND NECESSARY TO PROTECT THE OVERALL PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.**

The Conditions of Approval include measures that require the developer to comply with the performance measures outlined in the County Development Code. Therefore, the conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

**7. THE DESIGN OF THE SITE HAS CONSIDERED THE POTENTIAL FOR THE USE OF SOLAR ENERGY SYSTEMS AND PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.**

The location of the proposed Project was designed in a manner to not interfere with the future ability for the property owner to install a solar energy system. The Project would not impede development of solar energy generation systems on adjacent parcels.

**FINDINGS: CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**8. THE PROJECT WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ENVIRONMENT, SUBJECT TO IMPLEMENTATION OF THE PROPOSED MITIGATION MEASURES.**

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

Pursuant to provisions of the California Environmental Quality Act (CEQA) and the San Bernardino County Environmental Review guidelines, the above referenced Project has been analyzed with the preparation of a Mitigated Negative Declaration (MND) and determined to not have a significant adverse impact on the environment with the implementation of all the required mitigation measures. The MND represents the independent judgment and analysis of the County acting as lead agency for the Project.

## **EXHIBIT B**

# Conditions of Approval



# Conditions of Approval

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

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

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

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

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

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

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

## ON-GOING

### Land Use Services - Planning

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

3 **Revisions** - Status: Outstanding

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

4 **Indemnification** - Status: Outstanding

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

5 **Additional Permits** - Status: Outstanding

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

6 **Expiration** - Status: Outstanding

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

7 **Continous Effect/Revocation** - Status: Outstanding

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

8 **Project Account** - Status: Outstanding

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

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

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

10 **Performance Standards** - Status: Outstanding

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

11 **Continous Maintenance** - Status: Outstanding

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

- 12 **Clear Sight Triangle** - Status: Outstanding  
Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic
- 13 **Lighting** - Status: Outstanding  
Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
- 14 **Underground Utilities** - Status: Outstanding  
No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128 and avoids disturbing any existing/natural vegetation or the site appearance.
- 15 **Construction Hours** - Status: Outstanding  
Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
- 16 **Cultural Resources** - Status: Outstanding  
During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
- 17 **GHG - Operational Standards** - Status: Outstanding  
The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project: a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services. b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides. c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. The developer shall also provide to all tenants and require that the tenants shall display in their stores current transit route information for the project area in a visible and convenient location for employees and customers. d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

## **Public Health– Environmental Health Services**

- 18 **Noise Levels** - Status: Outstanding  
Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080.

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

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

**Public Works - Traffic**20 **Back Out Into Public Roadways** - Status: Outstanding

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

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

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

22 **Additional Requirements** - Status: Outstanding

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

23 **Jurisdiction** - Status: Outstanding

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

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

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

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

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

**Land Use Services - Land Development**26 **Additional Drainage Requirements** - Status: Outstanding

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

- 27 **BMP Enforcement** - Status: Outstanding  
In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by the County Department of Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees, and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.
- 28 **Continuous BMP Maintenance** - Status: Outstanding  
The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved final Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.
- 29 **Erosion Control Installation** - Status: Outstanding  
Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
- 30 **Project Specific Conditions** - Status: Outstanding  
FEMA Flood Zone. The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8659H dated 08/28/2008. No elevation requirements. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.
- 31 **Project Specific Conditions** - Status: Outstanding  
NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics.  
[www.swrcb.ca.gov](http://www.swrcb.ca.gov)
- 32 **Project Specific Conditions** - Status: Outstanding  
Regional Board Permit: Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
- 33 **Tributary Drainage** - Status: Outstanding  
Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.

## **Public Works - Solid Waste Management**

- 34 **Franchise Hauler Service Area** - Status: Outstanding  
This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec Waste and Recycling).
- 35 **Mandatory Commercial Recycling** - Status: Outstanding  
California Assembly Bill (AB) 341 requires businesses that generate 4 or more cubic yards of solid waste per week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. Applicant will be required to report to the County or contract waste hauler on recycling efforts once operational.



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

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

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

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

## PRIOR TO LAND DISTURBANCE

### Land Use Services - Planning

38 **Air Quality** - Status: Outstanding

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

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

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

40 **Mitigation Measures** - Status: Outstanding

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

### **Land Use Services - Building and Safety**

41 **Geotechnical Report** - Status: Outstanding

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

42 **Wall Plans** - Status: Outstanding

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

### **Land Use Services - Land Development**

43 **Drainage Improvements** - Status: Outstanding

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

44 **Grading Plans** - Status: Outstanding

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

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

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

46 **WQMP** - Status: Outstanding

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

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

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

## Public Health– Environmental Health Services

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

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

## Public Works - Surveyor

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

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

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

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

## PRIOR TO BUILDING PERMIT ISSUANCE

### Land Use Services - Planning

51 **Mitigation Measures** - Status: Outstanding

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

52 **Signs** - Status: Outstanding

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

## County Fire - Community Safety

53 **Building Plans** - Status: Outstanding

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

54 **Combustible Protection** - Status: Outstanding

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

55 **Haz-Mat Approval** - Status: Outstanding

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

56 **Primary Access Paved** - Status: Outstanding

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

57 **Secondary Access Paved** - Status: Outstanding

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

58 **Surface** - Status: Outstanding

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

59 **Water System** - Status: Outstanding

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

60 **Water System Certification** - Status: Outstanding

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

61 **Water System Commercial** - Status: Outstanding

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

## Land Use Services - Building and Safety

62 **Construction Plans** - Status: Outstanding

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

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

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

## Land Use Services - Land Development

64 **Construction Permits** - Status: Outstanding

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

65 **Encroachment Permits** - Status: Outstanding

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

66 **Regional Transportation Fee** - Status: Outstanding

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

67 **Road Improvements** - Status: Outstanding

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

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

## **Public Health– Environmental Health Services**

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

- 78 **Preliminary Acoustical Information** - Status: Outstanding  
Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the EHS for review and approval. For information and acoustical checklist, contact EHS at (800) 442-2283.
- 79 **Sewage Disposal** - Status: Outstanding  
Method of sewage disposal shall be sewer service provided by City of Rialto or EHS approved.
- 80 **Sewer Service Verification Letter** - Status: Outstanding  
Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).
- 81 **Water and Sewer - LAFCO** - Status: Outstanding  
Water and/or Sewer Service Provider Verification. Please provide verification that the parcel(s) associated with the project is/are within the jurisdiction of the water and/or sewer service provider. If the parcel(s) associated with the project is/are not within the boundaries of the water and/or sewer service provider, submit to EHS verification of Local Agency Formation Commission (LAFCO) approval of either: 1. Annexation of parcels into the jurisdiction of the water and/or sewer service provider; or, 2. Out-of-agency service agreement for service outside a water and/or sewer service provider's boundaries. Such agreement/contract is required to be reviewed and authorized by LAFCO pursuant to the provisions of Government Code Section 56133.
- 82 **Water Purveyor** - Status: Outstanding  
Water purveyor shall be West Valley WD or EHS approved.
- 83 **Water Service Verification Letter** - Status: Outstanding  
Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice.

## **Public Works - Solid Waste Management**

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

## **Public Works - Traffic**

- 85 **Requirement Prior to Issuance** - Status: Outstanding  
City of Rialto: Street improvement plans shall be submitted and approved by the City of Rialto for any improvements within their jurisdiction.

86 **Street Improvements** - Status: Outstanding

Improvements: The applicant shall design their street improvement plans to include the following: • Driveway. The westerly driveway located on San Bernardino Ave shall be a right in/right out only with raised median known as a pork chop. • Left Turn Lane. A left turn lane shall be constructed on San Bernardino Ave for the easterly driveway. Additional pavement heading eastbound on San Bernardino Ave will be required to accommodate the left turn lane. • Two-Way Left Turn Lane. A two-way left turn lane shall be constructed on Cedar Ave between West Miramont St Road and San Bernardino Ave.

87 **Total Fair Share** - Status: Outstanding

The total fair share contribution for this project is required based on the traffic report dated June 9, 2023 from Ganddini Group, Inc. The fair share breakdown for these improvements is shown below. INTERSECTION: Locust Avenue at San Bernardino Avenue ESTIMATED COST: \$22,300 FAIR SHARE PERCENTAGE: 10.9% ESTIMATED CONTRIBUTION: \$2,437 The total fair share contribution will be based on the fair share percentages listed above and the estimated construction costs at the time of application for a building permit and shall be paid to the Department of Public Works - Traffic Division. At the present time, the estimated cost is \$2,437. This amount will be adjusted to reflect actual construction costs incurred, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index.

## PRIOR TO OCCUPANCY

### Land Use Services - Planning

88 **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 PROJ-2022-00073.

89 **Installation of Improvements** - Status: Outstanding

All required on-site improvements shall be installed per approved plans.

90 **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.

91 **Screen Rooftop** - Status: Outstanding

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

92 **Shield Lights** - Status: Outstanding

Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).

93 **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 Safety

94 **Inspection by the Fire Department** - Status: Outstanding

Permission to occupy or use the building (certificate 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 Safety

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

## Land Use Services - Land Development

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

## Public Health– Environmental Health Services

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

## Public Works - Solid Waste Management

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

## Public Works - Traffic

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

## PRIOR TO RECORDATION

### County Fire - Community Safety

104 **Access** - Status: Outstanding

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

## PRIOR TO FINAL INSPECTION

### County Fire - Community Safety

105 **Combustible Vegetation** - Status: Outstanding

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

106 **Commercial Addressing** - Status: Outstanding

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

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

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

108 **Fire Extinguishers** - Status: Outstanding

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

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

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

110 **Hydrant Marking** - Status: Outstanding

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

111 **Key Box** - Status: Outstanding

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

112 **Street Sign** - Status: Outstanding

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



**County of San Bernardino Special Districts**

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

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

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

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

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

**EXHIBIT C**

# Initial Study/Mitigated Negative Declaration

[Initial Study/Mitigated Negative  
Declaration](#)

**EXHIBIT D**

# **Mitigation Monitoring and Reporting Program**

Mitigation Monitoring and Reporting Program  
Initial Study/Mitigated Negative Declaration  
Circle K & Retail Project

*Prepared by:*



**County of San Bernardino, Land Use Services Department**

385 N. Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, California 92415-0182  
*Contact: Azhar Khan, Senior Planner*

**APRIL 2024**

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# 1 Introduction

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The California Environmental Quality Act (CEQA) requires that a public agency adopting a Mitigated Negative Declaration (MND) take affirmative steps to determine that approved mitigation measures are implemented after project approval. The lead or responsible agency must adopt a reporting and monitoring program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the MND during project implementation (California Public Resources Code, Section 21081.6(a)(1)).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the County of San Bernardino (County) to ensure compliance with adopted mitigation measures identified in the MND for the proposed Route 66 Truck and Cargo Terminal Project when construction begins. The County, as the lead agency, will be responsible for ensuring that all mitigation measures are carried out. Implementation of the mitigation measures would reduce impacts to below a level of significance for aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, transportation, tribal cultural resources, utilities and service systems and wildfire.

The remainder of this MMRP consists of a table that identifies the mitigation measures by resource for each project component. Table 1 identifies the mitigation monitoring and reporting requirements, list of mitigation measures, party responsible for implementing mitigation measures, timing for implementation of mitigation measures, agency responsible for monitoring of implementation, and date of completion. With the MND and related documents, this MMRP will be kept on file at the following location:

County of San Bernardino  
385 N. Arrowhead Avenue, First Floor  
San Bernardino, California 92415

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## 2 Mitigation Monitoring and Reporting Program Table

**Table 1 Mitigation Monitoring and Reporting Program**

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<b><i>Biological Resources</i></b>				
<b>BIO-1: Pre-Construction Nesting Bird Survey.</b> Nesting bird surveys shall be conducted prior to any construction activities taking place during the nesting season to avoid potentially taking any birds or active nests. If construction occurs between February 1 st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities shall stay outside of a nodisturbance buffer. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.	<b>Prior to issuance of Land Disturbance or Grading Permit</b>  This measure shall be implemented prior or during to initiation of construction depending on the specifications of the measure. Any mitigation measures that are identified shall be implemented in the time frame specified by the qualified biologist.	Project applicant and their construction contractor	County of San Bernardino	
<b><i>Cultural Resources</i></b>				
<b>CR-1</b> In the event that any historic or prehistoric cultural resources are inadvertently discovered, all construction work in the immediate vicinity of the discovery shall stop and a qualified archaeologist shall be engaged to discuss the discovery and determine if further mitigation is required.	<b>Prior to Land Disturbance or Grading Permit</b>	Project applicant and their construction contractor	County of San Bernardino	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<ul style="list-style-type: none"> <li><b>CR-2</b> If, at any time, evidence of human remains (or suspected human remains) are uncovered, the County Coroner must be contacted immediately and permitted to examine the find in situ. A buffer must be established around the find (minimum of 50 feet) and the consulting archaeologist must also be notified. If the remains are determined to be of Native American origin, the Coroner will contact the Native American Heritage Commission and the Most Likely Descendant (MLD) will be named. In consultation with the MLD, the County, project proponent, and consulting archaeologist, the disposition of the remains will be determined. Any costs incurred will be the responsibility of the project proponent/property owner. If the remains are determined to be archaeological, but non-Native American, the consulting archaeologist will oversee the removal, analysis, and disposition of the remains. Any costs incurred will be the responsibility of the project proponent/property owner. If the remains are determined to be of forensic value, the County Coroner will arrange for their removal, analysis, and disposition. The Coroner's activities will not involve any costs to the project proponent/property owner.</li> </ul>	<p><b>Prior to Land Disturbance or Grading Permit</b></p> <p><b>Prior to Issuance of Building Permit</b></p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	
<p><b><i>Geology and Soils</i></b></p>				
<p><b>GEO-1:</b> The recommendations in the Geotechnical Investigation report reviewed and approved by the County Geologist shall be incorporated into the proposed project's design and construction specifications.</p>	<p><b>On-going</b></p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	
<p><b>GEO-2:</b> Based on the conclusions and recommendations of the July 2022 Paleontological Assessment, a Paleontological Resource Impact Mitigation Program (PRIMP) is recommended prior to approval of the grading permit.</p>	<p><b>On-going</b></p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p><b>GEO-3:</b> Full-time monitoring of undisturbed Pleistocene old alluvial fan deposits at the project is warranted starting at the surface. For areas mapped as young alluvial fan deposits, full-time monitoring is recommended starting at a depth of five feet below the surface. If a fossil(s) is found at shallower depths, earth disturbance activities should be halted within a radius of 50 feet from the location of the fossil, and a qualified project-level paleontologist shall be consulted to determine the significance of the fossilized remains.</p>	<p><b>Prior to issuance of Land Disturbance or Grading Permit</b></p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	
<p><b>Noise</b></p>				
<p><b>NOI-1:</b> The Proposed Project shall include an eight-foot high concrete barrier constructed extending east from the existing 8-foot concrete barrier to the northeastern property line and also along the eastern side of the proposed trash enclosure, and a limitation on car wash operating hours (7:00 a.m. to 10:00 p.m.)</p>	<p><b>Prior to issuance of Land Disturbance or Grading Permit</b></p> <p><b>Ongoing</b></p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	
<p><b>Tribal Cultural Resources</b></p>				
<p><b>TCR-1:</b> Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities</p> <p>A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.</p> <p>B. A copy of the executed monitoring agreement shall be submitted to the Lead Agency prior to the</p>	<p><b>Prior to issuance of Land Disturbance or Grading Permit</b></p> <p>This measure shall be implemented during construction and followed through until final disposition of such resources has been achieved.</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground- disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.</p> <p>D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for The project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to The project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.</p>				
<p><b>TCR-2:</b> Unanticipated Discovery of Tribal Cultural Resource Objects</p> <p>A. Upon discovery of an TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50</p>	<p><b>During Construction</b></p> <p>This measure shall be implemented during construction</p>	<p>Project applicant and their construction contractor</p>	<p>County of San Bernardino</p>	

Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/ or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/ or manner the Tribe deems appropriate, in the Tribe’s sole discretion, and for any purpose the tribe deems appropriate, including for educational, cultural and/or historic purposes.</p> <p>B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.</p> <p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>E. Preservation in place (i.e., avoidance)is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>F. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>	<p>and followed through until final disposition of such resources has been achieved.</p>			
<p><b>TCR-2:</b></p> <p>A. Native American human remains are defined in PRC 5097.98 (d)(1) as inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98. are also to be treated according to this statute.</p> <p>B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.</p>				



Mitigation Measure	Implementation Timing	Party Responsible for Implementation	Party Responsible For Monitoring	Date of Completion/Notes
<p>C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).</p> <p>D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.</p> <p>E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.</p>				



# **EXHIBIT E**

# Site Plan



## **EXHIBIT F**

# **Comment letters**

## **Barragan, Elena**

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**From:** Carolyn <escamillacarolyn@yahoo.com>  
**Sent:** Thursday, January 4, 2024 11:05 AM  
**To:** Barragan, Elena  
**Subject:** Regarding PROJECT-2022-0073

[You don't often get email from escamillacarolyn@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.

To whom this may concern, We own the property at 18804 San Bernardino Ave. Bloomington Ca. We are concerned about the rezoning of property because of the increased traffic and the amount of people it will bring to this residential neighborhood. Is there going to be adequate fencing between this property and our property?.How will this effect property Are main concern is with the privacy of our tenants. We would like them to put up a block wall to protect our tenants privacy and security.

Thank you.

Carolyn and Arnulfo Escamilla  
909 645-8643

**EXHIBIT G**

# Proposed Ordinance

ORDINANCE NO. \_\_\_\_\_  
LAND USE ZONING DISTRICT MAP AMENDMENT

**AN ORDINANCE OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, TO AMEND SAN BERNARDINO COUNTY LAND USE ZONING DISTRICT MAP FH29A.**

The Board of Supervisors of the County of San Bernardino, State of California, ordains as follows:

**SECTION 1.** The Board of Supervisors of San Bernardino County finds that:

(a) Properly noticed public hearings have been held before the Planning Commission and the Board of Supervisors ("Board") of San Bernardino County, State of California, pursuant to the Planning and Zoning Law (Government Code sections 65000 *et seq.*) and the San Bernardino County Development Code (San Bernardino County Code sections 81.01.010 *et seq.*) for the land use zoning district map amendment set forth within this ordinance.

(b) The land use zoning district map amendment set forth within this ordinance has been determined by the Board to be consistent with the San Bernardino County Policy Plan, including any and all applicable specific plan, and is adopted pursuant to Government Code section 65857 and San Bernardino County Code section 86.12.060.

(c) The findings set forth in the Report/Recommendation to the Board and Record of Action, adopted by the Board on [date] concerning the land use zoning district map amendment set forth within this ordinance are incorporated herein by reference and are hereby adopted by the Board.



**SECTION 2.** San Bernardino County Land Use Zoning District Map FH29A is amended as shown in Figure 1 on the attached map from Rural Living 5-acre Minimum Lot Area (RL-5) Land Use Zoning District to General Commercial (CG) Land Use Zoning District on one parcel totaling approximately 4 acres located at the northeast corner of Cedar Avenue and San Bernardino Avenue in the unincorporated community of Bloomington.

Figure 1



