



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: August 18, 2022

AGENDA ITEM #2

Project Description

Vicinity Map -

APN: 1013-211-21 & 22
Applicant: Villa Yorba, LLC
Community: Chino/4th Supervisorial District

Location: 4570 Francis Avenue
Project No: PROJ-2021-00008
Staff: Steven Valdez
Rep: Emily Neudecker, EPD Solutions
Proposal: POLICY PLAN AMENDMENT FROM VERY LOW DENSITY RESIDENTIAL (VLDR) TO LOW DENSITY RESIDENTIAL (LDR), ZONING AMENDMENT FROM SINGLE RESIDENTIAL, 1-ACRE MINIMUM LOT SIZE (RS-1) TO SINGLE RESIDENTIAL (RS), PLANNED DEVELOPMENT PERMIT FOR A 45-UNIT RESIDENTIAL DEVELOPMENT AND TENTATIVE TRACT MAP NO. 20394 TO SUBDIVIDE TWO LOTS INTO A 45-UNIT RESIDENTIAL HOUSING TRACT, ON A 13.35 ACRE SITE.



8 Hearing Notices Sent on : July 27, 2022

Report Prepared By: Steven Valdez, Senior Planner

SITE INFORMATION:

Parcel Size: 13.35 acres
 Terrain: Relatively flat, vacant and disturbed
 Vegetation: Disturbed vegetation areas are dominated by non-native annual grasses and herbs

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

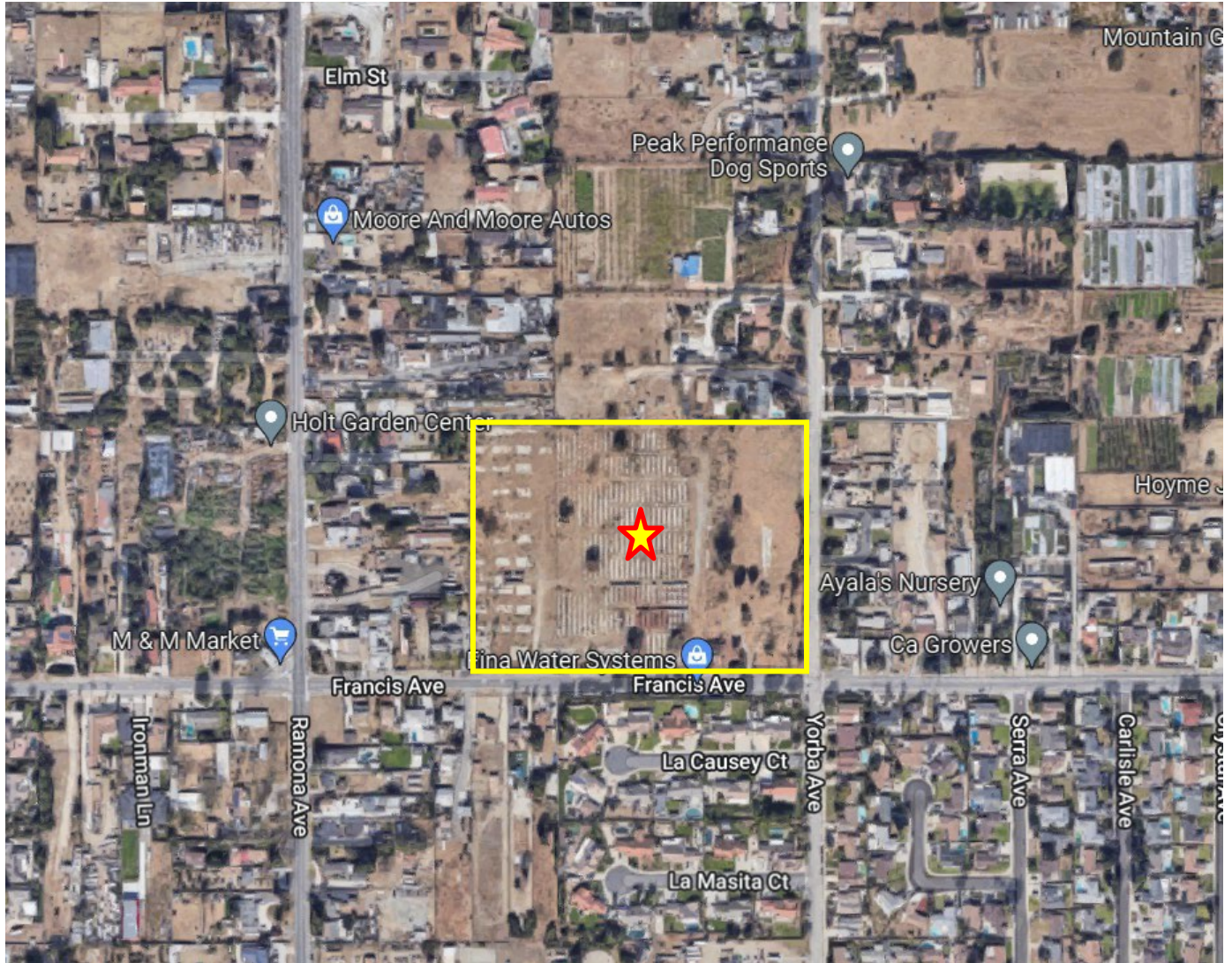
AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT	LAND USE CATEGORY
SITE	Vacant Land	Single Residential (RS-1)	Single Residential (RS)
North	Single Family Homes	Single Residential (RS-1)	Single Residential (RS)
South	Single Family Homes	Single Residential (RS-1) and City of Chino	Single Residential (RS) and City of Chino
East	Single Family Homes	Single Residential (RS-1)	Single Residential (RS)
West	Single Family Homes	Single Residential (RS-1)	Single Residential (RS)

	<u>Agency</u>	<u>Comment</u>
City Sphere of Influence:	City of Chino	Comment Letter Attached
Water Service:	City of Chino	Per Service Agreement Resolution
Sewer Service:	Monte Vista Water District	Per Service Agreement Resolution

STAFF RECOMMENDATION: That the Planning Commission **RECOMMEND** that the Board of Supervisors **CERTIFY** the Environmental Impact Report; **ADOPT** the CEQA Findings; **ADOPT** the Findings for project approval, **APPROVE** the Planned Development Permit and Tentative Tract Map 20394, subject to the Conditions of Approval, and **DIRECT** the Clerk of the Board to File a Notice of Determination.

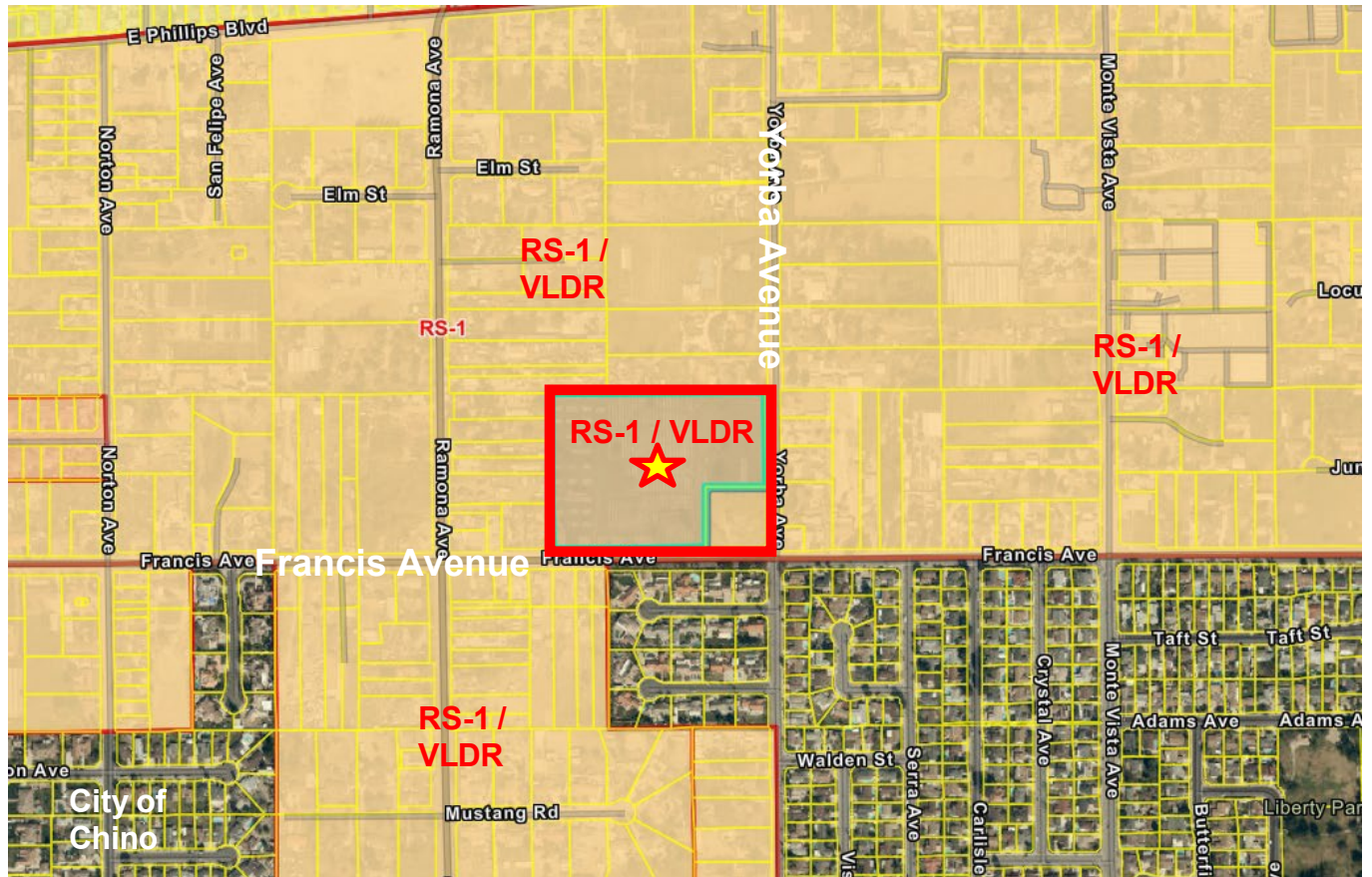
¹ This is a recommendation item. A disapproval recommendation by the Planning Commission shall terminate the application unless appealed in compliance with Chapter 86.08.

VICINITY MAP:
Aerial view of the Project Site

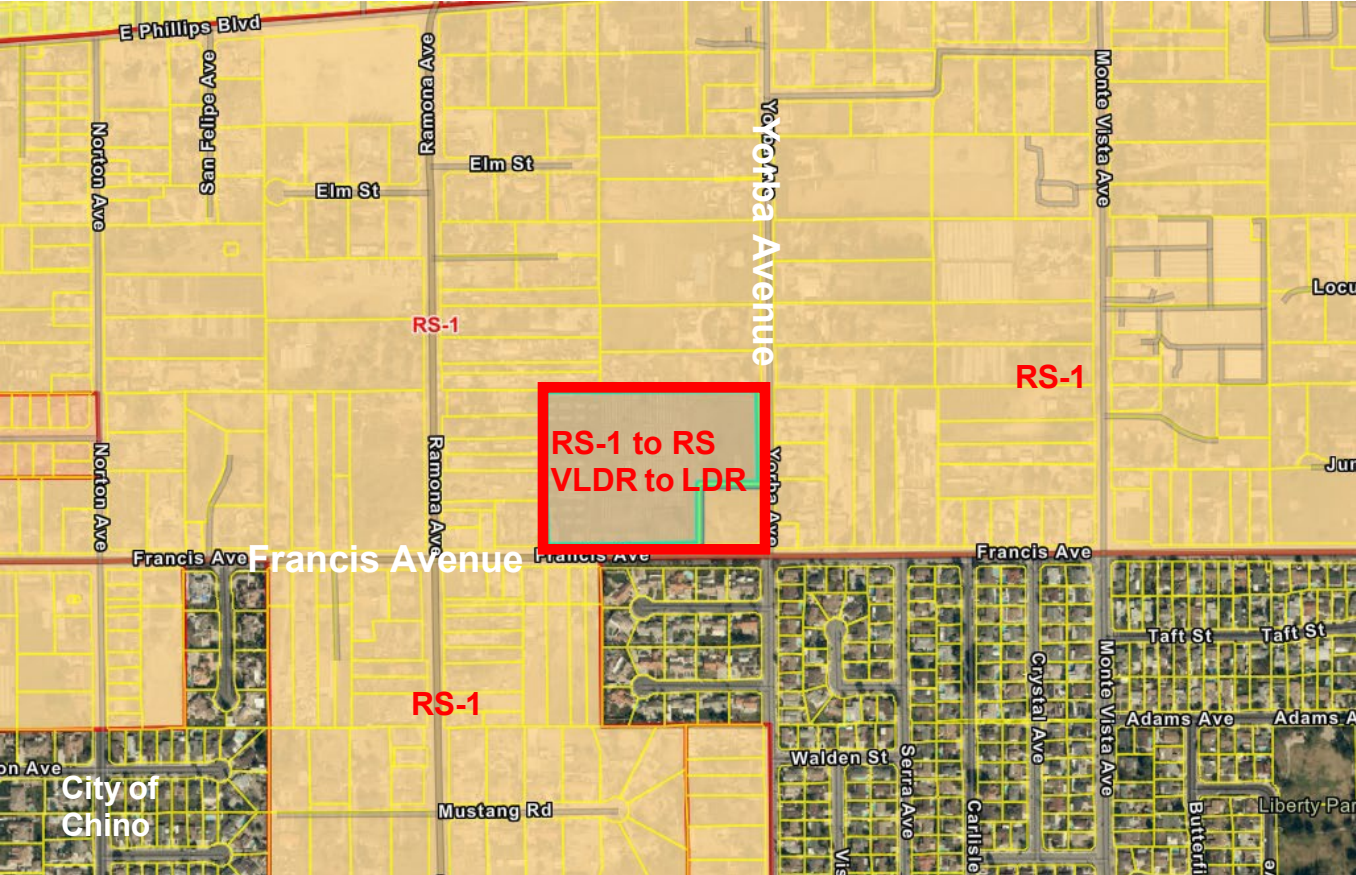


EXISTING LAND USE CATEGORY AND ZONING DISTRICT MAP:





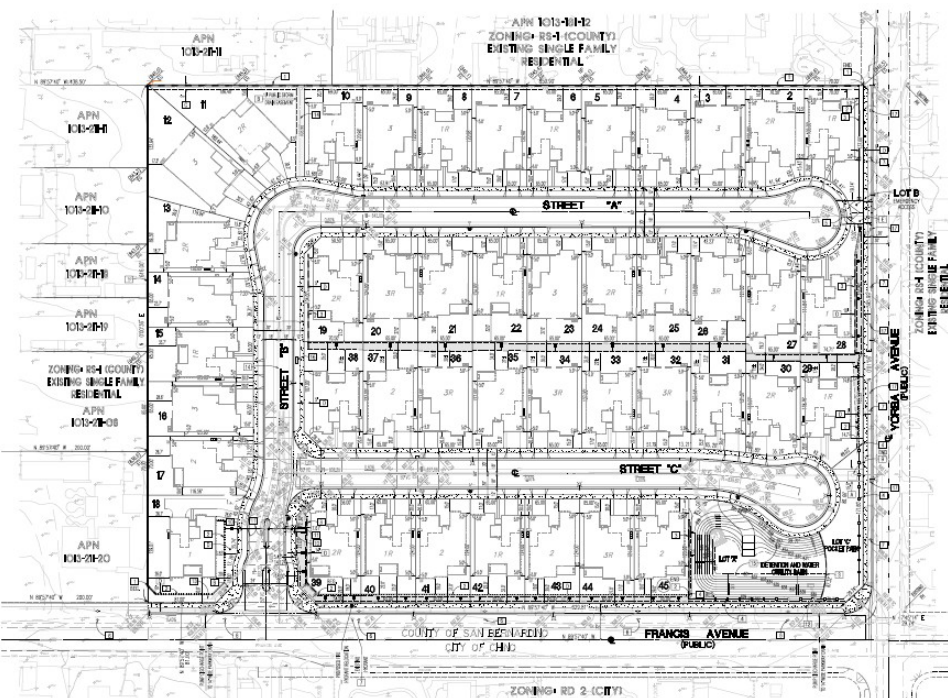
PROPOSED LAND USE CATEGORY & ZONING DISTRICT MAP:



SITE PLAN:



TENTATIVE TRACT MAP:



LOT TABULATION

LOT #	LOT AREA (SQ FT)	BUILDING FOOTPRINT (SQ FT)	PRIVATE OPEN SPACE (SQ FT)	LOT #	LOT AREA (SQ FT)	BUILDING FOOTPRINT (SQ FT)	PRIVATE OPEN SPACE (SQ FT)
1	4,400	3,070	4,460	25	3,000	3,000	4,131
2	4,500	3,040	4,220	26	3,000	4,000	3,777
3	7,001	4,320	3,541	27	3,010	3,040	4,084
4	7,000	3,040	3,070	28	3,020	3,000	4,096
5	7,000	4,200	3,040	29	3,020	3,000	4,107
6	7,000	3,000	3,000	30	3,020	3,000	4,108
7	7,000	4,200	3,040	31	3,020	3,000	4,108
8	7,000	3,000	3,000	32	3,020	4,000	3,666
9	7,000	4,200	3,040	33	3,020	3,000	4,108
10	3,010	3,000	3,000	34	3,020	4,200	3,936
11	13,000	3,040	4,000	35	3,020	3,040	4,108
12	13,000	4,200	3,000	36	3,020	4,200	3,936
13	3,720	3,040	4,760	37	3,020	3,040	4,108
14	4,100	4,000	3,760	38	3,020	3,000	4,084
15	4,100	3,000	4,200	39	3,000	3,040	4,108
16	4,100	4,200	3,000	40	3,000	3,000	4,131
17	13,000	3,000	3,200	41	3,000	3,040	4,131
18	13,000	3,000	3,200	42	3,000	3,040	4,131
19	3,040	3,040	4,000	43	3,000	3,040	4,131
20	3,000	3,000	3,760	44	3,000	4,000	3,777
21	3,000	3,040	4,131	45	3,000	3,040	4,131
22	3,000	3,000	4,131	TOTAL PRIVATE OPEN SPACE			199,367
23	3,000	4,000	3,760	LOT A TOTAL COMMON OPEN SPACE			3,740
24	3,000	3,040	4,131	LOT B TOTAL COMMON OPEN SPACE			460
				LOT C POCKET PARK			0.749
				PRIVATE STREET PARKINGS			3,740
				TOTAL OPEN SPACE			217,696
				% OPEN SPACE TO NET AREA - 4.6%			

LEGEND/ABBREVIATIONS

- NSH - COUNTY OF SAN BERNARDINO
- SDM - CITY OF CHINO ZONING BOARD
- BLD - BUILDING SETBACK LINE
- FL - FLOOR LINE
- TD - TOP OF CURB
- UP - UPRIGHT
- VC - VERTICAL CURVE
- WC - WITH VERTICAL CURVE
- MC - MIDDLE OF RIGHT-OF-WAY CURVE
- PI - POINT OF INTERSECTION
- TR - TRACT
- RM - RIVER MAIN
- PH - FIRE HYDRANT
- PS - PROPOSED STREET LIGHT
- RP - RELOCATED POWER POLE
- ES - EXISTING POWER POLE TO BE RELOCATED/DISMANTLED
- CS - CATCH-BASIN
- PR - PROPOSED DRIVE LINE
- PE - PROPOSED DRIVE WALKER
- PS - PROPOSED STORM DRAIN
- ES - EXISTING GATE LINE
- ES - EXISTING INTERIOR FINISHING BRICK LINE

- DEVELOPMENT STANDARDS**
- LOT AREA VARIANCE - 47,800 SF
 - LOT WIDTH VARIANCE - 100 FEET
 - LOT DEPTH VARIANCE - 100 FEET
 - MAXIMUM GROUND COVER - 4.0% AC
 - FRONT SETBACK MINIMUM - 20 FEET
 - REAR BUILDING SETBACK MINIMUM - 10 FEET
 - PROPOSED 45° SETBACK MINIMUM - 5 FEET OTHER
 - LOCAL STREET SETBACK MINIMUM - 10 FEET
 - COLLECTOR STREET SETBACK MINIMUM AS FEET - 25 FEET
 - STORM - 0
 - MAXIMUM BUILDING HEIGHT - 36 FEET
 - STREET FRONTAGE MINIMUM FOR CL-2-2-2-2 OR KNICKER LOT - 45 FEET
 - VARiances REQUIRED

- LAND USE SUMMARY**
- | | | |
|----------------------|-------|-------|
| LOT 1-18 | 18.0 | ACRES |
| LOT 19 | 1.0 | ACRES |
| LOT 20 | 1.0 | ACRES |
| LOT 21 (POCKET PARK) | 0.75 | ACRES |
| STREETS "A" "B" "C" | 0.41 | ACRES |
| YORBA AVENUE | 0.41 | ACRES |
| FRANCIS AVENUE | 0.41 | ACRES |
| TOTAL | 13.08 | ACRES |
- GRASS COVERAGE - 13.08 ACRES (100% NET)
 RESIDENTIAL LOTS - 45 LOTS
 GROSS DENSITY - 3.37 DU/AC
 NET DENSITY - 1.82

- WALL AND FENCING AND MOBILICIOUS NOTES**
- IF HIGH BLOCK WALL ON TOP OF 3' WALL, RE-LOCATE WALL (PREVIOUS ON SITE) (SEE)
 - IF HIGH BLOCK WALL ON FACE BLOCK WALL, PROCEED BY 1/2" FACE HORIZONTAL
 - REINFORCING BLOCK WALL WITH FACE ON STREET (SEE)
 - 34" HIGH TURN-AROUND FENCE
 - EVA-GATE WITH KNOCK BOX
 - EXISTING POWER POLE TO BE RELOCATED
 - EXISTING POWER POLE TO REMAIN
 - EXISTING FIRE HYDRANT TO BE RELOCATED
 - SEWER LET STATION
 - PROPOSED DRIVE
 - GATED VEHICULAR ENTRANCE
 - PROPOSED DRIVE STORM DRAIN VAULT WITH TWO PUMPS, PUMP IN TO ACTIVATE UNDER FLOW OVER BLOCK WALL. ADDITIONAL DISCHARGE PIPE AT 1/4" GAL. PUMP FOR EMERGENCY PURPOSES.
 - PROPOSED DRIVE STORM DRAIN VAULT WITH PUMPS, PUMP SYSTEM WILL ACTIVATE AS SOON AS OFF-HIGH FLOW REACHES PUMP DEPTH.
 - PROPOSED BY PUBLIC STORM DRAIN FOR OFF-HIGH FLOW.
 - FLAT SKIN BOTTOM WITH NATIVE CHANNEL, BOTTOM OF SKIN WILL BE HYDROCONSOLIDATED PER SOILS ENGINEER'S SPECIFICATIONS.

- SERVICES**
- WATER**
 YORBA VILLAS WATER STREET
 1030 S YORBA AVENUE
 SAN BERNARDINO, CA 92408
 PH: (909) 824-0333
- SEWER**
 YORBA VILLAS SEWER STREET
 1030 S YORBA AVENUE
 SAN BERNARDINO, CA 92408
 PH: (909) 824-0333
- TRASH**
 TRASH COLLECTOR
 1030 S YORBA AVENUE
 SAN BERNARDINO, CA 92408
 PH: (909) 824-0333



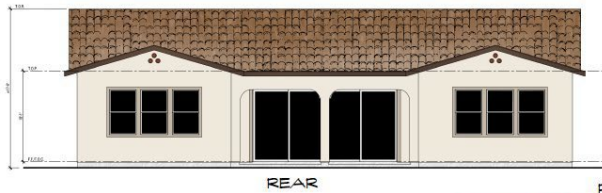
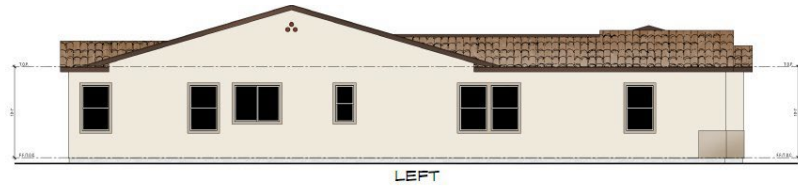
PREPARED FOR:
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 SAN BERNARDINO, CA 92408
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DATE PREPARED: MARCH 30, 2021

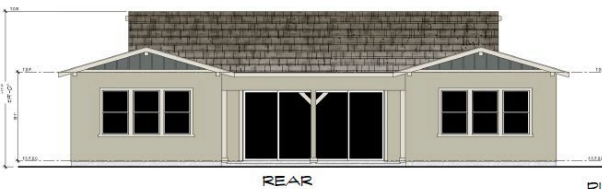
VESTING TENTATIVE TRACT NO. 20394
YORBA VILLAS • SITE PLAN
 COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
 SHEET C1 OF 1

BUILDING ELEVATIONS:



PLAN 1
A' -SPANISH COLONIAL ELEVATIONS

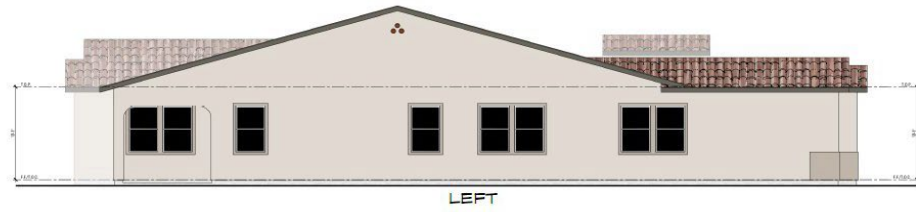
PLAN 1



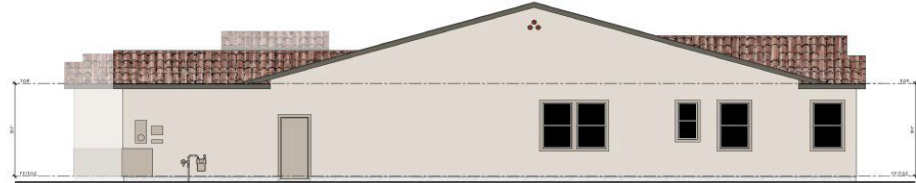
PLAN 1
B' -CALIFORNIA RANCH ELEVATIONS

PLAN 2

PLAN 5



LEFT



RIGHT



REAR

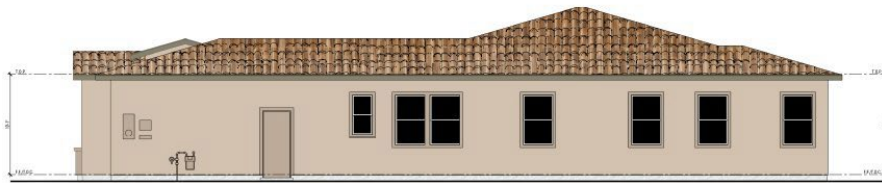


FRONT

PLAN 2
'A' -SPANISH COLONIAL ELEVATIONS



LEFT



RIGHT



REAR



FRONT

PLAN 1
'C' -HACIENDA RANCH ELEVATIONS

PLAN 4

PLAN 5



LEFT



RIGHT



REAR



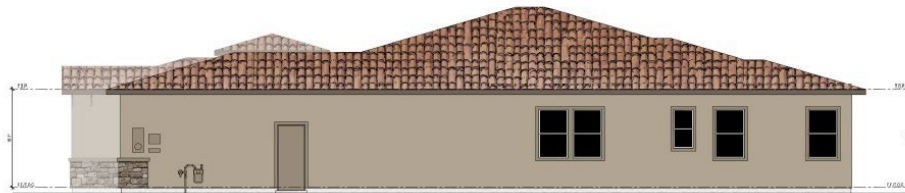
FRONT

PLAN 2
'B' - CALIFORNIA RANCH ELEVATIONS

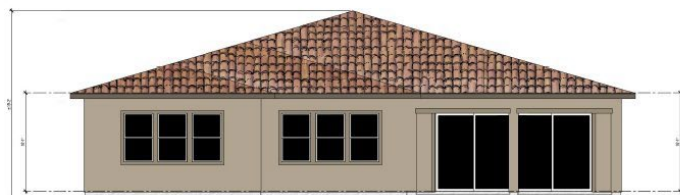
PLAN 6



LEFT



RIGHT



REAR



FRONT

PLAN 2
'C' - HACIENDA RANCH ELEVATIONS

SITE PHOTOS
North View from Francis Avenue



Northeast view from Francis Avenue



Southwest view from Yorba Avenue



Northwest view from Yorba Avenue



PROJECT DESCRIPTION:

Villa Yorba, LLC (Applicant) requests approval of the following: 1) Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR); 2) Zoning Amendment from Single Residential- 1 acre minimum lot size (RS-1) to Single Residential (RS); 3) Planned Development Permit for a 45 unit single-family residential development; and 4) Tentative Tract Map 20394 to subdivide the two lots into 45 lots and 2 lettered lots for the future development of 45 single family homes and a private park on 13.35 acres (collectively referred to as "Project"). The applicant has presented a detailed Project description in a Letter of Intent (Exhibit A).

The Project site is approximately 13.35 acres in size and is located in the City of Chino Sphere of Influence (SOI). The Project site consists of two parcels and is currently vacant. The property was previously developed with a single-family home, guest cottages and associated equipment and small structures associated with a former rabbit farm that existed on the west end of the Project site. The Project site is surrounded by single family homes on varying lot sizes on all sides. The single-family homes located just south of the Project site are located within the City of Chino.

The scope of the proposed development will consist of site clearing, site preparation, appurtenant improvements, the creation of 45 single family lots, two lettered lots, and the construction of 45 one-story, single-family homes with a private park. Access to the site will be provided via a private entryway on Francis Avenue.

BACKGROUND:

Prior to submitting the aforementioned Project with the County, the Applicant submitted Prezone/Annexation (PL16-0084), General Plan Amendment (PL16-0884), and Tentative Tract Map No. 20056 (PL16-0883) applications in December 2016 with the City of Chino requesting the City: 1) annex 13.35 acres of land located at the northwest corner of Francis and Yorba Avenues into the City of Chino; 2) prezone the land to RD 4.5 (Residential); 3) change the general plan land use designation of the property from RD 2 (Residential, 2 units/acre) to RD 4.5 (Residential, 4.5 units/acre); and 4) subdivide the project site into 43 lots and 2 lettered lots for the future development of 43 single family homes and a private park. In March 2017, the Applicant also submitted Site Approval (PL17-0068) and Special Conditional Use Permit (PL17-0069) applications for approval of the site design and architecture of the residential development.

The item was denied on December 19, 2017, by the Chino City Council.

PROJECT ANALYSIS:

Site Planning: The Project development consists of 45 one-story, single-family homes on 13.35 acres of land at a density of 3.37 dwelling units per acre. The site is designed to include two private streets accessible from Francis Avenue. The northern cul-de-sac includes a gate at the end of the street for emergency access to Yorba Avenue. The development consists of a mixture of lot sizes, ranging from 7,861 square feet to 9,439 square feet. The Applicant is incorporating a park and required detention basin at the southeast corner of the project to allow for compliance with water quality management standards, in addition to providing amenities to the community.

Architecture: The Applicant proposes five different floor plans using three different architectural styles (Hacienda Ranch, California Ranch, and Spanish Colonial). The proposed one-story homes provide ample articulation on front, side and rear elevations and will blend in appropriately with the homes in the surrounding area. The table below provides a breakdown of the style of homes along with the proposed sizes.

Unit Type	Architectural Style	Livable Area	Stories	No. Bedrooms & Bathrooms	# of Units
Plan 1	Hacienda Ranch California Ranch Spanish Colonial	2,820 square feet	1-story	4- bedroom 2- bath/optional guest room	15
Plan 2	Hacienda Ranch California Ranch Spanish Colonial	3,040 square feet	1-story	4- bedroom 3- bathroom	16
Plan 3	Hacienda Ranch California Ranch Spanish Colonial	3,100 square feet	1-story	5- bedroom 3.5- bathroom	14

Parking: The Development Code requires two parking spaces per residence, one uncovered and one covered. The Project includes a two-car garage in Plans 1 and 2, and Plan 3 includes a 3-car garage. In addition to two parking spaces at each residence ("on-site"), the three internal streets can accommodate parking on both sides of the street. With the required on-site parking, driveway parking, and available street parking, there is ample parking to accommodate owners, tenants and guests.

Landscaping, Walls, and Buffers: The residences will be buffered from Francis and Yorba Avenue by means of a landscaped parkway. The parkway will be landscaped with water efficient trees and shrubs. All common areas within the Project site, as well as along street frontages, will be landscaped with drought tolerant trees and shrubs and will be maintained by the Homeowner's Association.

The Project is proposed to be a gated community with a private gated entryway, 6-foot-high decorative split face block walls with pilasters and precision caps. The proposed walls/fences will be set behind the landscaping along both street frontages. A 6-foot-high wrought iron fence will be placed along the outside perimeter of the park.

Code Compliance Summary: The Project, proposed as a Planned Development, meets all applicable standards of the Development Code, as illustrated in Table 2:

Table 2: Proposed Project Consistency with Proposed RS Development Standards

Development Feature	Requirement by Zoning District	Provided by Project
Maximum Density:	4 units per acre	3.75 units per acre
Setbacks:	Front: 25 ft Rear: 15 ft Street Side: 15 ft; Collector or wider: 25 ft Interior Side: 5 ft on one side, 10 ft on other side	Front: 15 ft to 32.5 ft Rear: 15 ft to 33.7 ft Street side: 5 ft to 26 ft Interior: range 5 ft on both sides to 5 ft on one side and 10 ft on the other side*
*Approval of the planned development permit would allow flexibility in the setbacks required by the RS zone.		

Maximum Lot Coverage	Lot less than 20,000 sq. ft.; Lot of 20,000 sq. ft. or larger - 40 percent	Approval of the policy plan amendment, zone change, tentative tract map and planned development would result in 45 numbered lots for residential use ranging from 7,861 SF to 13,838 SF and 3 lettered lots for emergency access, a pocket park, and detention and water quality basin. The maximum lot coverage proposed would be 55 percent.
Height Limit	35 feet	Maximum height of 19 feet, 2 inches
Garage Parking Spaces	2 Parking Spaces including 1 Covered (90 spaces)	90 spaces
Total Parking Spaces	90	225
Parking to Unit Ratio	2.0/dwelling unit	5.0/dwelling unit

California Environmental Quality Act Compliance

Pursuant to the requirements of the California Environmental Quality Act (CEQA), the County of San Bernardino (County), as Lead Agency, prepared an Initial Study and Notice of Preparation (NOP) for the proposed Project, which was distributed on June 1, 2021, for a 30-day public review and comment period that ended on July 5, 2021. The NOP requested members of the public and public agencies to provide input on the scope and content of environmental impacts that should be included in the Draft Environmental Impact Report (EIR) being prepared. In response to the NOP, a total of 13 comment letters/emails were received from responsible agencies and the public. The comments provided by the responsible agencies were related to biological resources, cultural and tribal resources, hydrology & water quality, land use & planning and the potential sewer connection. Comments from members of the public were related to flooding, proposed Project density, traffic, water usage, and compatibility with surrounding land uses. Two comments were received in support of the proposed project. All areas of concern were addressed in the Draft EIR (Exhibit B).

Public Scoping Meeting. Pursuant to Section 15082(c)(1) of the CEQA Guidelines, the County hosted a public scoping meeting for members of the public and public agencies to provide input as to the scope and content of the environmental information and analysis to be included in the Draft EIR for the proposed Project. The scoping meeting was held on June 16, 2021, at 6:00 p.m. online through Zoom. Comments received at the meeting are contained in Appendix A of the Draft EIR. The comments pertain to incompatibility with the existing neighborhood, impacts to traffic, and impacts from flooding. Topics requiring a detailed level of analysis evaluated in the Draft EIR have been identified based upon the responses to both the NOP and a review of the Project by the County. The County determined through the initial review process that impacts related to the following topics are potentially significant and require a detailed level of analysis in the Draft EIR:

Public Review of the Draft EIR. On December 15, 2021, the County filed a Notice of Completion (NOC) with the Governor’s Office of Planning and Research, State Clearinghouse, indicating that the Draft EIR had been completed and was available for review. A Notice of Availability of the Draft EIR was published

concurrently with distribution of the NOC. The Draft EIR was circulated for review and comment by the public and other interested parties, agencies, and organizations for 45 days in accordance with Sections 15087 and 15105 of the CEQA Guidelines.

The Draft EIR evaluated the direct and indirect impacts resulting from the planning, construction, and operations of the Project. Under CEQA, EIRs are intended to focus the discussion on significant impacts and may limit discussion of other impacts to a brief explanation of why the impacts are not significant. Based on the CEQA threshold criteria for significance, the following sections of the EIR were analyzed and determined to be less-than-significant or less-than-significant with the adoption of feasible mitigation measures:

Aesthetic. The Project site is directly adjacent to Yorba Avenue, Francis Avenue, and single-family residential development. The Project site consists of remnant foundations and vacant land. The existing character of the site and surrounding area is neither unique nor of special aesthetic value or quality. The proposed Project would be consistent with the development standards required by the RS zoning district and Low-Density Residential land use designations as well as the Countywide Plan policies related to scenic quality.

Overall, the Project is located within an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, impacts would be less than significant. In addition, as the Project would utilize the vacant land and develop single-family housing, which is consistent with the land uses adjacent to the site, the Project would increase the visual cohesion between the Project site and the surrounding single-family residential area. Hence, the proposed Project would not degrade the visual character of the Project site and surrounding area; and impacts would be less than significant.

Biological Resources. The General Biological Resources Assessment and Biological Assessment Update identified that the Project site is highly disturbed and that no special status vegetation types were identified on the Project site. In addition, no potentially suitable habitat for special status plant species was identified onsite. The Project site does not contain any riparian habitat, jurisdictional streambed or wetland areas, or sensitive natural community identified by U.S. Fish and Wildlife Service (USFWS) or California Department of Fish and Wildlife (CDFW). Thus, impacts to these resources would not occur from implementation of the proposed Project.

Hydrology & Water. The drainage currently leaving the Project site is bifurcated by a high point in Francis Avenue that directs the storm water to drain easterly and westerly along the north side of Francis Avenue. The parcel also has a large upstream tributary area (25.6 acres) that flows onto the Project site along the northern boundary of the project. The tributary storm flows are also bifurcated in the same general fashion as the on-tract storm flows. The tributary area is composed of large acreage parcels that are primarily agricultural in nature with most of the parcels being graded with small windrows between parcels. The hydrology study for the Project assumes that storm water would reach the northern property line and would be captured and routed around the Project to maintain the same historic drainage patterns, i.e., flowing easterly and westerly along Francis Avenue. The westerly tributary flows would be collected in an open channel along the north side of the northerly lots. These westerly tributary storm flows would be directed westerly and enter a storm pipe system that conveys the storm flows southerly to a curb outlet at the southwest corner of the project that will drain to the west in Francis Avenue. The easterly tributary storm flows will be collected in an open channel along the north side of the northern lots. These easterly tributary storm flows would be conveyed to a curb outlet on Yorba Avenue where they would drain southerly in Yorba Avenue to Francis Avenue. The Project on-site storm flows would be collected in a storm drain system and directed to a stormwater detention/water quality basin to be constructed at the southeast corner of the project. This basin would have two Maxwell Drywells to provide both treatment for water quality and storm water infiltration for infiltration of the first flush flows and the ultimate infiltration of the detained storm flows. The on-site storm flows and the tributary storm flows would follow the existing drainage patterns with the on-site storm flows attenuated in the detention/infiltration basin to be 80 per

cent of the predeveloped storm flows. The detention/infiltration basin would be landscaped with evapotranspiration plantings that would assist in the dewatering of the basins. As a result, Project hydrology and water quality impacts would be less-than-significant.

Land Use and Planning. The Project site is located within an urban area that consists of fully developed areas and areas that are planned for urban development. The Project would not result in any inconsistencies with an applicable land use plan. Rather, developing 45 single-family residences similar to the existing surrounding areas would create a cohesive neighborhood. Furthermore, the proposed land use designation change from VLDR to LDR would not conflict with a policy or plan adopted for the purpose of avoiding or mitigating an environmental effect. The proposed Project would create an attractive, cohesive residential community through the three architectural styles to be provided including Spanish Colonial, California Ranch, and Hacienda Ranch. In addition, landscaping throughout the site and the use of consistent building materials would provide architectural compatibility. Thus, impacts related to land use and planning would not occur from the proposed Project.

Noise. Potential noise impacts associated with the operations of the proposed Project would be from Project-generated vehicular traffic on the nearby roadways. In addition, the proposed development would be adjacent to Francis Avenue and Yorba Avenue, which may create exterior and interior noise levels in excess of County standards at the Project proposed homes. Vehicle noise is a combination of the noise produced by the engine, exhaust, and tires. The level of traffic noise depends on three primary factors (1) the volume of traffic, (2) the speed of traffic, and (3) the number of trucks in the flow of traffic. The proposed residential uses would not require a substantial number of truck trips and the proposed Project would not alter the speed limit on any existing roadways. The proposed Project's potential offsite noise impacts focused on those associated with the increased volume of traffic that would occur with development of the proposed Project. As a result, Project level noise impacts would be less-than-significant.

Tribal and Cultural Resources: The Project site has been heavily disturbed. The proposed Project involves excavation; however, no substantial evidence exists that TCRs are present in the Project site. Although, no TCRs have been identified, the Gabrieleño Band of Mission Indians – Kizh Nation has previously requested Native American monitoring during ground disturbance and provided information on the proximity of known Native American village sites to the proposed Project area. With the adoption of Mitigation Measures CUL-1 and TRC-1, impacts to tribal and cultural resources would be less-than-significant.

Hazards and Hazardous Material. The Project site contains soils contaminated with OCPs and dieldrin (pesticides); soils would require excavation and disposal as part of Project excavation and grading activities. The contaminated soils would need to be excavated and removed as required by DTSC, California Integrated Waste Management Board, and the RWQCB. Due to the existence of the contaminated soils and excavation activities that would occur during Project construction, implementation of the proposed Project was determined to have the potential to result in a hazard to the public or environment. With the adoption of Mitigation Measures HAZ-1, impacts related hazards and hazardous materials would be less-than-significant.

Public Comments:

Project notices were sent to surrounding property owners within 300 feet of the Project site, as required by Development Code Section 85.03.080. A notice of availability for the Draft EIR was sent to surrounding property owners and responsible agencies, as part of the CEQA process. As noted, in response to the Project notices, comments were received from relevant agencies and nearby property owners. Comments received from the City of Chino relate to alleged inconsistencies with the City of Chino General Plan and city policies, impacts to water facilities downstream, maintenance issues related to private streets, and the connection to the Inland Empire Utility Agency / Monte Vista water and sewer infrastructure. Comments from the nearby residents were related to traffic, incompatibility to existing homes, flooding and impacts

to water quality. All comments obtained are attached to the staff report and were responded to as part of the Final EIR. The Final EIR concludes that all Project related impacts are less-than-significant or can be mitigated to a level of less-than-significant.

RECOMMENDATION:

That the Planning Commission recommend that the Board of Supervisors:

1. **CERTIFY** the Environmental Impact Report(Exhibits B and G);
2. **ADOPT** the CEQA Findings and the Mitigation Monitoring and Reporting Program (Exhibit H);
3. **ADOPT** the Findings for approval of the Policy Plan Amendment, Zoning Amendment, Planned Development Permit and Tentative Tract Map (Exhibit E);
4. **ADOPT** a Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR) for the 13.35-acre site;
5. **ADOPT** a Zoning Amendment from Single Residential, 1-acre (RS-1) to Single Residential (RS) for the 13.35-acre site;
6. **APPROVE** the Planned Development Permit for a 45-unit residential development, subject to the Preliminary Development Plan and Conditions of Approval;
7. **APPROVE** Tentative Tract Map No. 20394 to subdivide two lots into a 45-unit residential housing tract, subject to the conditions of approval; and
8. **DIRECT** the Clerk of the Board to file a Notice of Determination.

ATTACHMENTS:

EXHIBIT A: Letter of Intent

EXHIBIT B: Draft EIR and Technical Studies for Yorba Villas

www.sbcounty.gov/uploads/LUS/Environmental/Yorba_Villas/YORBA_VILLAS_DEIR/DEIR_YORBAVILLAS.pdf
[Valley Region – Land Use Services \(sbcounty.gov\)](http://www.sbcounty.gov/Valley-Region-Land-Use-Services)

EXHIBIT C: Conditions of Approval

EXHIBIT D: Preliminary Development Plan

EXHIBIT E: Findings

EXHIBIT F: Comment Letters

EXHIBIT G: Final EIR with Responses to Comments

www.sbcounty.gov/uploads/LUS/Environmental/Yorba_Villas/CONSOLIDATED_FEIR.pdf

EXHIBIT H: CEQA Findings of Fact and Mitigation Monitoring and Reporting Program

EXHIBIT A

Letter of Intent

January 11th, 2021
County of San Bernardino Development 1st Submittal Letter of Intent
Yorba Villas Development Proposal

PROJECT LOCATION

The project site is in an urban and developed area of unincorporated San Bernardino County, adjacent to the northern boundary of the City of Chino and within the City’s sphere of influence. The project site is located at 4570 Francis Avenue and 4664 Francis Avenue, which is located on the northwest corner of the intersection of Francis Avenue and Yorba Avenue, as shown on Figures 1 and 2. The project site is approximately 0.8 mile north of Interstate 60 (I-60) and 3.7 miles east of State Route 71 (SR-71). The site is regionally accessed from I-60 and the Ramona Avenue interchange, and from SR-71 and the Philadelphia Street interchange.

The project site is 13.35 gross acres and consists of two parcels (APNs 1013-211-21 and 1013-211-22).

EXISTING LAND USES

This flat urban infill property is located at the Northwest corner of Francis and Yorba Avenue. The property was last used as a rabbit farm but was closed over 15 years ago and it has been empty and blighted and unmaintained ever since. Remnants of the unused rabbit coops and foundations dot the site. There was a rundown house on the corner of Yorba and Francis avenues that was demolished a few years ago because it was difficult to keep vagrants away.

There are two homes on large unkept lots along the north boundary and several deep lots along the west property line that have a mix of commercial storage, truck storage, goat keeping and residences.

The property is bordered by two streets. Francis Avenue is a County Collector Street that is completely constructed on the south half with only one lane of paving construction on the north half. Yorba Avenue is a County Local Residential street has only two existing lanes of paved roadway, one northbound and one southbound.

SURROUNDING LAND USES

The property is in a mature neighborhood with mostly older single-story homes situated on a variety of lot sizes ranging from 7,200 square feet to 1+ acre lots. There are also several adjacent properties with multiple homes on a lot. Across Francis Avenue, cattycorner and southeast of the site, is a neighborhood with lot sizes of 7,200 square feet.

Below is a summary of the adjacent land uses and zoning designations. The residences on the south side of Francis Avenue are within the jurisdiction of the City of Chino.

	Existing Land Use	General Plan Designation	Zoning Designation
North	Single Family Homes and Vacant Land	Single Family Residential	RS
West	Single Family Homes	Single Family Residential	RS
South	Singles Family Homes	Single Family Residential	One-Family Residential (R-1-15)
East	Single Family Homes and Duplex	Single Family Residential	RS

Figure 1 Aerial of Site looking south

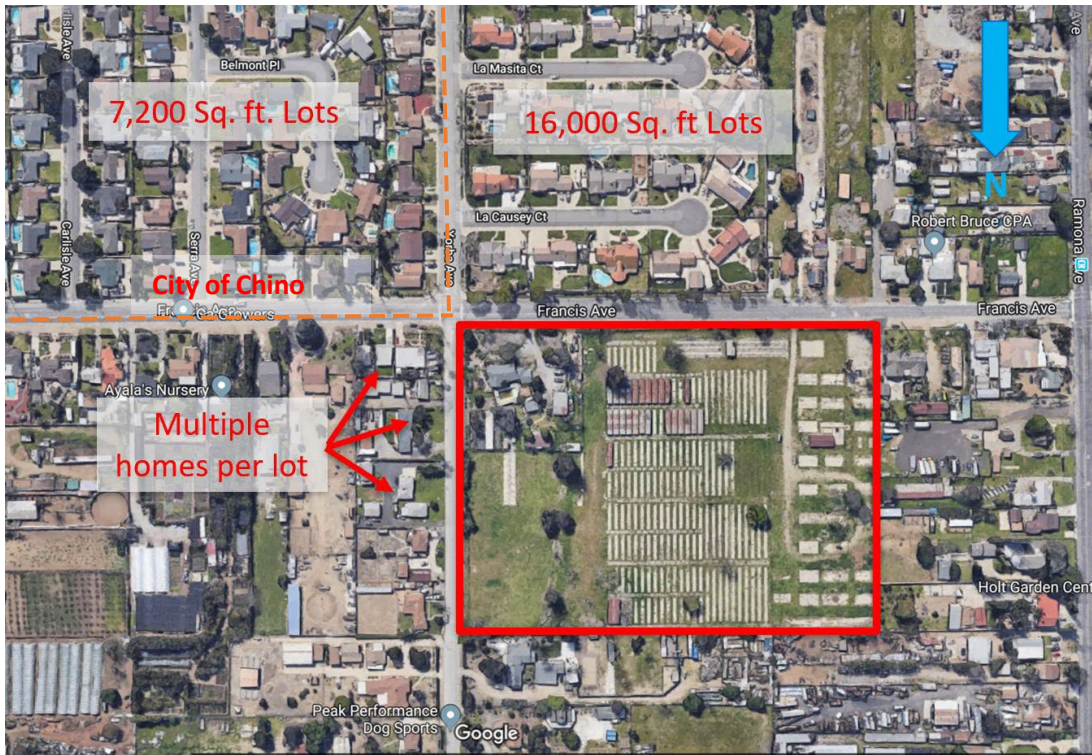


Figure 2 Proposed site plan over aerial photo



Figure 3 Existing project site, looking north from Francis at future entry



Figure 4 Existing, Yorba Avenue looking north



Figure 5 Existing, Francis Avenue looking west



Project description:

The proposed project includes 45 residential lots and 2 lettered lots (non-residential) to accommodate the development of 45 single-family home gated community with extensive aesthetically pleasing landscaping. The lettered lots will provide for a landscaped water quality and detention basin (Lot A), and an emergency vehicle access driveway to Yorba Avenue (Lot B).

The landscaped detention basin (Lot A) is located at the corner of Francis and Yorba to soften the intersection. This lot will be a flat bottom basin seeded with native grasses.

The minimum lot size is 7,861 square feet and the maximum lot size is 13,838 square feet and the average lot size is 8,533 square feet. There are two main housing plans (shown in Table 1), Plan 1 contains 2,820 livable square feet and Plan 2 contains 3,062 livable square feet. A third similar single-story plan measuring up to 3,250 sq feet will also be developed for the site. Each plan has three architectural options for design, IC - Hacienda IB - Ranch, IA - California Ranch, and Spanish Colonial.

Table 1 Housing Plans

Plan	Square Footage	Bedrooms	Bathroom	Garage	Plan Options
1	2,820 S.F.	4 Bedrooms with Optional Den/Office (+164 S.F.)	3 Bathrooms	2 Car Garage	IC- Hacienda Ranch IB- California Ranch IA- Spanish Colonial

2	3,062 S.F.	4 Bedroom with Optional Den and Optional Garage Storage (+157 S.F.)	3 Bathrooms	2 Car Garage	2C – Hacienda Ranch 2B- California Ranch 2A- Spanish Colonial
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Circulation and Parking

The project site will be accessible via one gated access point on Francis Ave. Another EV access point with a Knox-box is proposed off of Yorba Ave for fire access. The conceptual EV access point was previously reviewed and approved by the Chino Valley Fire District in 2019.

Private on-site drive aisles will be created for internal circulation throughout the community and will be maintained by the HOA. The private on-site drive aisles (streets A, B & C) will be designed to County standards and in compliance with the America Disability Act

Parking for the community will exceed the County’s code requirement with a total of 5 proposed parking spaces per home, 2 in the garage, 2 in the driveway, and 1 on the street.

Open Space and Landscaping:

All on-site landscaping and open space will be maintained by the homeowner’s association (HOA) and an entire community landscape plan with proposed walls and fences will be provided at a later date. Each lot will have roughly 1,400 square feet of landscaped rear yards.

Development Standards:

The project will meet the following development standards.

Development Standard	Required	Provided
Size of Site	Minimum 5 A.C.	13.35 A.C.
Parking	2 Parking Spaces per Unit	5 Parking Spaces per Unit
Open Space for Site	Minimum of 40 percent private and common open space, not including balcony area	47 percent open space per net area provided
Density	4 units per acre (1) Accessory dwellings as allowed by Chapter 84.01 (Accessory Structures and Uses)	3.76 Units per Net Acre
Height	35 ft.	Single Story Architecture - 28 ft.
Min Lot Area Per Dwelling Unit	7,200 S.F.	Smallest Lot: 7,861 S.F.
Property Setback	Front: 25' Rear: 15' Sides : 5' and 10'	* varied front yards, Minimum Front setback to

Development Standard	Required	Provided
		house: 15', Minimum Driveway: 20' Minimum Rear: 15', Minimum Side-yard: 5'

*Based on substantial outreach with local neighbors the project will include all single-story homes along the entire project perimeter assuring privacy for all adjacent neighbors and assuring views of the distant mountains. To provide the single-story homes along the perimeter, the project is requesting through a PUD narrower 5 foot side yards and variable front yard depths with 20-foot minimum driveways to provide attractive well-appointed single-story homes.

Below are the requested PUD development standards requested by the project:

Property Setback	Required	Requested
Side:	5' and 10'	5' and 5'
Front:	25'	Min. 15' Front to house 20' Front to Garage Door

Figure 6 Francis Avenue looking west, after Improvements



Figure 7 Yorba Avenue looking north, after Improvements



Figure 8 Project entry from Francis Avenue, after improvements made (looking north)



Figure 9 Proposed emergency vehicle access on Yorba Avenue



Entitlement Background:

In both 2016/2017 and 2019/2020 similar versions of this project was processed through the City of Chino. In both cases the project received overwhelming support from the local neighborhood with over 650 supporters, but with some opposition from a citywide group that opposes all general plan amendments. The majority of people who live near the project are supporters. Despite the overwhelming benefits to the community the project was not approved by City Council. All policy makers and most of the community members in opposition to the project were complimentary of the project design and quality. Some opponents said they want less density with minimum 20,000 square foot lots. In 2017 the project was denied at City Council, and in 2020 the project was approved by Planning Commission (4 to 3) but was then denied at City Council on a 3 to 2 vote. Many local residents were upset by these rulings since the dissenting votes were from Councilmembers from districts on the other side of town and did not take into account their local voices and concerns about the poor condition of infrastructure in the immediate area.

Infrastructure and Utilities

Water

The property is serviced by the Monte Vista Water District (“MVWD”) for domestic water. A Water Will Serve Letter from the Monte Vista Water District dated 12/21/2020 has been provided.

Sewer

Monte Vista Water District is currently in the process of expanding its latent utility powers to provide sewer service. This project assumes these sewer powers will be ratified by the Inland Empire Utility Agency (“IEUA”) and confirmed by LAFCO before the Project is ready for public hearing. Once approved, MVWD will provide sewer service utilizing an existing IEUA sewer line running adjacent to the project along Yorba Avenue, a Sewer Will Serve Letter from the Monte Vista Water District dated 12/21/2020 has been provided.

Public Services:

The property is in an infill location and within 500 feet of a bus line, a mile from the Ramona, Interstate 60 interchange, and within two miles of significant shopping and public facilities including schools and parks. All enrollment at local schools attended from this location are well below capacity. The local San Bernardino Fire Department is within proximity and the County Sheriff is active in the area. The local schools are running well below capacity and need more students.

DISCRETIONARY ACTION REQUESTED

The County of San Bernardino and the following responsible agencies are expected to use the information contained in this Project Description for consideration of approvals related to and involved in the implementation of this Project. These include, but may not be limited to, the permits and approvals described below.

As part of the proposed project, the following discretionary actions are being requested/considered by the project proponent:

1. Approval of a General Plan Amendment (“GPA”) from RS-1 to RS
2. Approval of a Zone Change (“ZC”) from RS-1 to RS;
3. Approval of a Major Site Plan Review (“MSPR”).
4. Approval of a Tentative Tract Map to create 45 separate parcels.
5. Approval of a PUD to allow for reduced setbacks

1.1 PROJECT BENEFITS/ OUTREACH

We, as applicant, have held over 100 meetings with the immediate neighborhood over the past 3 years and have made over a dozen changes to the project design to address community concerns.

The single-story architecture is a direct response to residents’ concerns over preserving distant views and privacy. The proposed plan provides homes for middle class families, which are the dominant home-buying group in the area and will help fulfill the housing needs in the area.

Based on community outreach conducted by the applicant, residents who live in this neighborhood along Francis and Yorba regularly complain to authorities about the illegal activities in the area with dozens of arrests occurring over the past several years on or adjacent to the property. The project will redevelop this blighted and unmaintained property enhancing the quality of the surrounding neighborhood.

Furthermore, the project is located within a SB 535 Disadvantaged Communities area and the proposed project will offer extensive off-site beautification improvements which was also a request by the neighborhood.

The project will complete the construction of the north half of Francis Avenue to its ultimate width including the relocation of the existing Edison power poles to be in the north parkway of Francis Avenue landscaped parkways, sidewalk and curb and gutter, accessibility improvements and streetlights. The project will also construct the west half of Yorba Avenue to its ultimate width with a landscaped parkway, sidewalk and curb and gutter, accessibility improvements and streetlights.

EXHIBIT B

Draft EIR and Technical Studies for Yorba Villas

www.sbcounty.gov/uploads/LUS/Environmental/Yorba_Villas/YORBA_VILLAS_DEIR/DEIR_YORBAVILLAS.pdf

[Valley Region – Land Use Services \(sbcounty.gov\)](http://www.sbcounty.gov/valley-region-land-use-services)

EXHIBIT C

Conditions of Approval



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

Planning Division

1. Project Description. a Policy Plan Amendment from Very Low Density Residential (VLDR) to Low Density Residential (LDR), including a Zoning District change from Single Residential, 1-acre (RS-1) to Single Residential (RS), in conjunction with a Planned Development and Tentative Tract Map (No. 20394) to subdivide two lots into a 45-unit residential housing tract. 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. The Project site is located at 4570 Francis Avenue, unincorporated Chino.
3. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "indemnities" (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 the 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's 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 indemnitee's "passive" negligence but does not apply to the indemnitee's "sole" or "active" negligence" or "willful misconduct" within the meaning of Civil Code §2782.

4. Development Impact Fees: Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
5. Clear Sight Triangle: Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90-degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
6. Continuous Effect/Revocation: All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
7. Revisions: 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.



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

8. Construction Hours: Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
9. Cultural Resources: During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified, and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
10. Extension of Time: Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
11. Lighting: 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.
12. Underground Utilities: No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128 and avoids disturbing any existing/natural vegetation or the site appearance.
13. Performance Standards: The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
14. Construction Noise: The following measures shall be adhered to during the construction phase of the project: - All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g., residences and schools) nearest the project site.
15. Project Account: The Project account number is PROJ-2020-00066. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g., Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

16. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g., employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- a) Annual maintenance and repair: The Home Owners Association shall conduct inspections for any fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - b) Graffiti and debris: The Home Owners Association shall remove graffiti and debris immediately through weekly maintenance.
 - c) Landscaping: The Home Owners Association 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 Home Owners Association 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) 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.
 - g) Lighting: The Home Owners Association 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.
 - h) Fire Lanes: The Home Owners Association 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.
 - i) 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.
17. Expiration: This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval unless an extension of time is approved. The permit is deemed "exercised" when either: (a.) The permittee has commenced actual construction or alteration under a validly issued building permit, or (b.) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060) (c.) Occupancy of approved land use, occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs: - Construction permits for all or part of the project are not issued, or the construction permits expire before the structure is completed and the final inspection is approved. - The land use is determined by the County to be abandoned or non-conforming. - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination. PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

County Fire - Community Safety

18. Fire AHJ: San Bernardino County Fire is not the Authority Having Jurisdiction (AHJ) for this property. Please contact: Chino Valley Fire District 14011 City Center Drive Chino Hills ,CA 91709 Ph: 909- 902- 5260



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

Land Use Services - Land Development - Drainage

19. Tributary Drainage: Adequate provisions should be made to intercept and conduct the tributary off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
20. Erosion Control Installation: Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.
21. Additional Drainage Requirements: In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
22. BMP Enforcement: In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.
23. Natural Drainage: The natural drainage courses traversing the site shall not be occupied or obstructed.
24. Continuous BMP Maintenance: The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.

Public Health– Environmental Health Services

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

Department of Public Works – Surveyors Office

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



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

Prior to Land Disturbance

Land Use Services - Building and Safety

29. Geotechnical (Soil) Report Required Before Grading: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to recordation of the parcel map.
30. Demolition Permit Required Before Grading: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, backfilled and inspected before covering.
31. Composite Development Plan (CDP) Note Requirements: The following Composite Development Plan (CDP) Requirements shall be placed on the CDP submitted as a requirement for Recordation of the final map. Wall Plans: Submit plans and obtain separate permits for any required retaining walls. Geotechnical (Soil) Report: A geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading and/or building permits. Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.

Land Use Services - Land Development - Drainage

32. WQMP: A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,650 deposit for WQMP review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule. The report shall adhere to the current requirements established by the Santa Ana/Mojave Watershed Region. Copies of the WQMP guidance and template can be found at: <http://cms.sbcounty.gov/dpw/Land/WQMPTemplatesandForms.aspx>
33. WQMP Inspection Fee: The developer shall provide a \$3,600 deposit to Land Development Division for inspection of the approved WQMP. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
34. On-site Flows: On-site flows need to be directed to the nearest County maintained road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
35. Drainage Improvements: A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safety 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.
36. Road Dedication/Improvements: The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements designed by a Registered Civil Engineer (RCE) licensed in the State of California:

Francis Avenue (Secondary Highway – 88 feet):

- Road Dedication. A 35-foot grant of easement is required at the intersection of Francis Avenue and Yorba Avenue
- Street Improvements. Design curb and gutter with match up paving 32 feet from centerline.
- Sidewalks. Design sidewalks per County Standard 109 Type "C". Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

Yorba Avenue (Collector – 66 feet):

- Street Improvements. Design curb and gutter with match up paving 22 feet from centerline. •Sidewalks. Design sidewalks per County Standard 109 Type "C".
 - Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way. Street A, Street C (Private Road – 60 feet)
 - Road Dedication. A 60-foot grant of easement is required to provide a full-width right-of-way of 60 feet.
 - Street Improvements. Design curb and gutter with match up paving 18 feet from centerline. •Sidewalks. Design sidewalks per County Standard 109 Type "C".
 - Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of-way.
 - Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.
 - Cul-de-sac Design. The proposed cul-de-sac shall be designed to County Standard 120. Street B (Private Road – 60 feet):
 - Road Dedication. A 60-foot grant of easement is required to provide a full-width right-of-way of 60 feet.
 - Street Improvements. Design curb and gutter with match up paving 18 feet from centerline.
 - Sidewalks. Design sidewalks per County Standard 109 Type "B".
 - Curb Returns and Sidewalk Ramps. Curb returns and sidewalk ramps shall be designed per County Standard 110 and Caltrans standard A88A. Adequate easement shall be provided to ensure sidewalk improvements are within Public right-of- way.
 - Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.
37. Construction Permits: 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.
 38. Maintenance Bond: Once all required public road, drainage, WQMP, and/or utility improvements have been constructed and approved, then a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.
 39. Improvement Securities: Any required public road, drainage, WQMP, and/or utility improvements for subdivisions shall be bonded in accordance with County Development code unless constructed and approved prior to recordation. All necessary fees shall be provided in accordance with the latest fee schedule.
 40. CMRS Exclusion: Road improvements required for this development will not be entered into the County Maintained Road System (CMRS).
 41. Road Standards and Design: All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
 42. Project Specific Conditions: All required on-site, and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
 43. Private Roads/Improvements: Prior to occupancy, construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

44. Street Gradients: Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of the County Department of Public Works confirming the adequacy of the grade.
45. Transitional Improvements: Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.
46. Street Type Entrance: Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
47. Project Specific Conditions: Structural Section Testing. Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

Land Use Services - Planning

48. Diesel Regulations: The operator shall comply with all existing and future California Air Resources Board and South Coast Air Quality Management District regulations related to diesel-fueled trucks, which among others may include:
 - a) meeting more stringent emission standards;
 - b) retrofitting existing engines with particulate traps;
 - c) use of low sulfur fuel; and
 - d) use of alternative fuels or equipment. South Coast Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.
49. Air Quality: Although the Project does not exceed South Coast Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Project 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.



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

50. **MM CUL-1:** Archaeological Resources: Prior to the issuance of the first grading permit, the Applicant shall provide a letter to the County of San Bernardino Planning Division, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologist has been retained to provide on-call services in the event archeological resources are discovered. The archeologist shall be present at the pregrading conference to establish procedures for archeological resource surveillance. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the County shall be immediately notified. The archeologist shall be contacted to flag the area in the field and shall determine, in consultation with the County and the Gabrieleño Band of Mission Indians Kizh-Nation, if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)). If the find is considered a "resource" the archeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the County and the Gabrieleño Band of Mission Indians Kizh-Nation. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C). If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the developer/applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archeologist. Resources shall be identified and curated into an established accredited professional repository. The archeologist shall have a repository agreement in hand prior to initiating recovery of the resource. Excavation as a treatment option will be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the Project.
51. **MM BIO-1:** Nesting Birds. To the extent possible, construction activities (i.e., demolition, earthwork, clearing, and grubbing) within the Project site and offsite infrastructure areas, shall occur outside of the general bird nesting season for migratory birds, which is March 15 through August 31 for songbirds and January 1 through August 31 for raptors. If construction activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird nesting season for migratory songbirds (March 15 through August 31) and raptors (January 1 to August 31), a qualified biologist shall perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA and California Fish & Game Code. The pre-construction survey shall be performed no more than three days prior to the commencement of construction activities. The results of the pre-construction survey shall be documented by the qualified biologist. If construction is inactive for more than seven days, an additional survey shall be conducted. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts within 300 feet (500 feet for raptors) of the active nest shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, or as determined by the qualified biologist. The biological monitor may modify the buffer or propose other recommendations in order to minimize disturbance to nesting birds.
52. **MM HAZ-1:** Prior to issuance of a grading permit, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant and shall detail procedures and protocols for excavation and disposal of onsite hazardous materials, including:
- A certified hazardous waste hauler shall remove all potentially hazardous soils. Excavation of contaminated soils shall be to the depth of approximately 5 feet below the existing ground surface in areas identified in the Phase I and Phase II Environmental Site Assessment (Tetra Tech 2016). In addition, sampling of soil shall be conducted during excavation in the southern and western portions of the site, in areas identified in the Phase I and Phase II Environmental Site Assessment (Tetra Tech 2016), to ensure residential Regional Screening Levels are not exceeded. Excavated materials shall be transported per California Hazardous Waste Regulations to a landfill



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

permitted by the state to accept hazardous materials.

- Any subsurface materials exposed during construction activities that appear suspect of contamination, either from visual staining or suspect odors, shall require immediate cessation of excavation activities. Soils suspected of contamination shall be segregated from other soils to be tested for potential contamination. If contamination is found to be present per Environmental Screening Levels (ESLs), any further proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to California Hazardous Waste Regulations.
- A Health and Safety Plan (HSP) shall be prepared for each contractor that addresses potential safety and health hazards and includes the requirements and procedures for employee protection. The HSP shall also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.
- All SMP measures shall be printed on the construction documents, contracts, and Project plans prior to issuance of grading permits.

53. **PPP HYD-1:** National Pollutant Discharge Elimination System (NPDES). Projects will be constructed in accordance with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, NPDES No. CAS000002. Compliance requires a risk assessment, a SWPPP, and associated BMPs.

54. **PPP HYD-2:** Santa Ana RWQCB MS4 Permit. Projects will be constructed and operated in accordance with the Santa Ana RWQCB Municipal Stormwater (MS4) Permit for the part of the Santa Ana Basin in San Bernardino County in 2010 (Order No. R8-2010-0036). The MS4 Permit requires new development and redevelopment projects to adopt a WQMP to:

- Control contaminants into storm drain systems
- Educate the public about stormwater impacts
- Detect and eliminate illicit discharges
- Control runoff from construction sites
- Implement BMPs and site-specific runoff controls and treatments

55. **Mitigation Measure TCR-1:** Prior to commencement of any excavation activities, or the issuance of a grading permit and/or action that would permit site disturbance (whichever occurs first), the Project developer/applicant shall provide a letter to the County of San Bernardino Planning Division, or designee, and retain a Native American Monitor from the Gabrieleño Band of Mission Indians Kizh-Nation to:

- Provide on-call services to address unanticipated prehistoric or tribal resources. The Native American Monitor shall be present at the pre-grading conference to establish procedures for tribal cultural resource surveillance.
- Conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry, and the general steps the Monitor would follow in conducting a salvage investigation.
- Monitor all Project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils. The Native American Monitor(s) shall be present on-site during the construction phases that involve ground disturbing previously undisturbed native soils and shall complete monitoring logs on a daily basis. The logs shall provide



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. The on-site monitoring shall end when the Project site grading and excavation activities of previously undisturbed native soils are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for tribal cultural resources. (**HAZWOPER certification is needed only if the site has hazardous concerns related to Mitigation Measure HAZ-1).

- Consult on unanticipated discovery of human remains and associated funerary objects: o Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. If funerary objects are discovered during grading or archeological excavations, they shall be treated in the same manner as bone fragments that remain intact and the construction contractor and/or qualified archeologist shall consult with the Gabrieleno Band of Mission Indians – Kizh Nation (Tribe).
 - o As specified by California Health and Safety Code Section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the County Coroner’s office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98 The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside of working hours. If the remains are Native American, the Tribe shall make every effort to recommend diverting the Project and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials shall be removed and the Project applicant/developer shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects, if possible. The Tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes 4 or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The Project applicant/developer shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.
 - o Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project site but at a location mitigated between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

56. **MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground Disturbance:**

A. The Project Applicant/Developer shall retain a Native American monitor from (or approved by) the San Manuel Band of Mission Indians and the Gabrieleno Band of Mission Indians-Kizh Nation (“Tribes”). The monitor shall be



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

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" includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. Monitors from the San Manuel Band of Mission Indians and the Gabrieleno Band of Mission Indians-Kizh Nation shall provide Native America monitoring services on a rotating basis.

- B. The Project Applicant/Developer shall provide documentation of its retention of a Native American monitor, as provided in Mitigation Measure TCR-1, to the County Planning Department (?) prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The Project Applicant/Developer shall provide the Tribe with a minimum of 15 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.
- D. The Project Applicant/Developer shall hold at least one pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe(s) will inform and educate the Project's construction and managerial crew and staff members (including any Project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the Project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the Project's compliance with the TCR mitigation measures. The Native American Tribe(s) shall be notified of and allowed to attend the pre-grading meeting with the County and Project construction contractors and/or monitor all Project mass grading and trenching activities. In the event that suspected tribal cultural resources are unearthed, the Native American Tribe(s) shall have the authority to redirect earth moving activities in the affected area.
- E. 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.
- F. Native American monitoring for the Project shall conclude upon the latter of the following: (1) written confirmation from a designated Project point of contact to the Tribe representatives that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site Project location are complete; or (2) written notice by the Tribe to the Project Applicant/Developer and the County Planning Department that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the Project site and at any off-site project location possesses the potential to impact TCRs.
- G. Any and all archaeological or cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Project Applicant/Developer and the County Planning Department for dissemination to the San Manuel Band of Mission Indians and the Gabrieleno Band of Mission Indians-Kizh Nation. The County Planning Department and/or Project Applicant/Developer shall, in good faith, consult with both Tribes until all ground disturbing activities of the Project are completed.

Public Health– Environmental Health Services

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



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

Prior to Issuance of Building Permit

Land Use Services - Building and Safety

58. Temporary Use Permit: "Temporary Use Permit: A Temporary Structures (TS) permit for non-residential structures for use as office, retail, meeting, assembly, wholesale, manufacturing, and/ or storage space will be required. A Temporary Use Permit (PTUP) for the proposed structure by the Planning Division must be approved prior to the TS Permit approval. A TS permit is renewed annually and is only valid for a maximum of five (5) years."
59. Construction Plans: Any building, sign, or structure to be added to, altered (including change of occupancy/use), constructed, or located on site, will require professionally prepared plans based on the most current adopted County and California Building Codes, submitted for review and approval by the Building and Safety Division.
60. Slope Easements: Slope rights shall be dedicated where necessary.
61. Soils Testing: Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to 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.
62. Encroachment Permits: Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.

Land Use Services - Land Development - Roads

63. Encroachment Permits: Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from the County Department of Public Works, Permits/Operations Support Division, Transportation Permits Section (909) 387-1863 as well as other agencies prior to work within their jurisdiction.
64. Construction Permits: 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. Regional Transportation Fee: This project falls within the Regional Transportation Development Mitigation Fee Plan Area for the Chino Subarea. The Regional Transportation Development Mitigation Plan Fee (Plan Fee) shall be paid by a cashier's check to the Land Use Services Department. The Plan Fee shall be 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 \$7,022.00 per unit for Single Family Use, which includes the 45 units per the site plan dated 07/13/2021. Therefore, the estimated Regional Transportation Fees for the Project is \$315,990.00.

The current Regional Transportation Development Mitigation Plan can be found at the following website:

<http://cms.sbcounty.gov/dpw/Transportation/TransportationPlanning.aspx>



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

Land Use Services - Planning

66. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
67. Exterior Lighting Features. External structures or lighting shall be allowed only where the lighting is activated and controlled by motion sensors.
68. Streetlights. The project site is located within an urbanized area and streetlights are required. Street Lighting plans and plan check fees must be submitted to Special Districts Department for review and approval. Please submit plans to Special Districts Department, 157 W. 5th Street, 2nd Floor, San Bernardino, CA 92415-0450, (909) 387-5940.
69. Power Lines. As required in County Development Code Section 84.27.050(k), the applicant shall not extend any new aboveground power or communication lines to the site, unless clear and convincing evidence demonstrates that undergrounding these lines would result in substantial environmental impacts. Prior to installation of power line whether underground or overhead, submittal of verification to the County Planning Division is required prior to issuance of building permits.
70. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.
71. Windows. All proposed windows shall provide a minimum 4-inch relief from the exterior of the wall, and match the color and style of the proposed dwelling, as shown on the submitted plans. No white vinyl windows shall be allowed, unless it matches the base color of the building. Also, all windows facing a street shall be sound proof to reduce the noise from vehicles and pedestrians traveling on the street.
72. GHG – Operational Standards. 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



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

for the project area in a visible and convenient location for employees and customers. The specific transit routes displayed shall include Omni Trans Route 8, San Bernardino-Mentone-Yucaipa.

- 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.

73. GHG – Construction Standards. 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 the implement the following when possible:
 - 1. Training operators to use equipment more efficiently.
 - 2. Identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions
 - 3. Replacing older, less fuel-efficient equipment with newer models
 - 4. 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 flag person 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.

74. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.

- a. Meet Title 24 Energy Efficiency requirements implemented July 1, 2014. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non-Residential Buildings, as amended January 24, 2013; Cool Roof Coatings performance standards as amended January 24, 2013):
 - Incorporate dual paned or other energy efficient windows,
 - Incorporate energy efficient space heating and cooling equipment,



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

- Incorporate energy efficient light fixtures, photocells, and motion detectors,
 - Incorporate energy efficient appliances,
 - Incorporate energy efficient domestic hot water systems,
 - Incorporate solar panels into the electrical system,
 - Incorporate cool roofs/light colored roofing,
 - Incorporate other measures that will increase energy efficiency.
 - Increase insulation to reduce heat transfer and thermal bridging.
 - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
- b. Plumbing. All plumbing shall incorporate the following:
- All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
 - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
 - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- c. Lighting. Lighting design for building interiors shall support the use of:
- Compact fluorescent light bulbs or equivalently efficient lighting.
 - Natural day lighting through site orientation and the use of reflected light.
 - Skylight/roof window systems.
 - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
 - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
 - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d. Building Design. Building design and construction shall incorporate the following elements:
- Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
 - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
 - Roofing materials shall have a solar reflectance index of 78 or greater.
 - All supply ductwork shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply ductwork, excluding risers.
 - Energy Star or equivalent appliances shall be installed.
 - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units
- e. Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.
- f. Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

- g. Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
 - h. Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.
75. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/ procedures include the following:
- a. Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent.
 - b. All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting.
 - c. Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.
76. **MM GEO-1: Paleontological Resources**. *Prior to the issuance of the first grading permit, the Applicant shall provide a letter to the County of San Bernardino Planning Division, or designee, from a paleontologist selected from the roll of qualified paleontologists maintained by the County, stating that the paleontologist has been retained to provide services for the Project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite for the review and approval by the County. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall also require periodic paleontological spot checks if excavation reaches or exceeds depths of five feet in areas mapped as Quaternary alluvium.*

In the event paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.

Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by Project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage, and treatment shall be done at the Applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

Public Health– Environmental Health Services

- 77. Water Service Verification Letter: Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
- 78. Sewage Disposal: Method of sewage disposal shall be Monte Vista Water District , if the District can legally provide the sewage disposal services. If not, sewage disposal shall be provided by the City of Chino .
- 79. Sewer Service Verification Letter: Applicant shall procure a verification letter from the sewer service provider identified. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer provider. The letter shall reference the Assessor's Parcel Number(s).
- 80. Water and Sewer Service Verification: 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 DEHS 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. Submit verification of LAFCO authorization of said Out-of-Agency service agreement to DEHS.
- 81. Water Purveyor: Water purveyor shall be Monte Vista Water District or EHS approved.
- 82. Water Service Verification Letter: Applicant shall procure a verification letter from the water service provider. This letter shall state whether or not water connection and service shall be made available to the project by the water provider. This letter shall reference the File Index Number and Assessor's Parcel Number(s). For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.
- 83. Preliminary Acoustical Information: Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.

Prior to Final Inspection

Prior to Occupancy

Land Use Services - Land Development - Drainage

- 84. WQMP Improvements: 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.
- 85. Drainage Improvements: All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.
- 86. LDD Requirements: Condition of Road Improvements. At the time of occupancy for all structures, the condition of all required on-site and off-site improvements shall be acceptable to the County Department of Public Works.



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

- 87. Structural Section Testing: Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.
- 88. Private Roads/Improvements: Prior to occupancy, all required on-site, and off-site improvements shall be completed by the applicant. Construction of private roads and private road related drainage improvements shall be inspected and certified by the engineer. Certification shall be submitted to Land Development by the engineer identifying all supporting engineering criteria.
- 89. Road Improvements: All required on-site, and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
- 90. LDD Requirements: CMRS Exclusion. Roads within this development will not be entered into the County Maintained Road System (CMRS).
- 91. LDD Requirements: Landscape Maintenance. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by the County Department of Public Works/current Planning and maintained by the adjacent property owner or other County-approved entity.

Land Use Services - Planning

- 92. Shield Lights: Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e., "Dark Sky Ordinance).
- 93. Rooftop Equipment: No roof top mechanical equipment or air conditioning units are allowed.
- 94. Landscaping/Irrigation: All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
- 95. Installation of Improvements: All required on-site improvements shall be installed per approved plans.
- 96. Fees Paid: Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number .
- 97. Condition Compliance: Prior to occupancy/use, all conditions shall be completed to the satisfaction of County Planning with appropriate authorizing approvals from each reviewing agency.

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

Department/Agency	Office/Division	Phone Number
Land Use Services Dept. (All Divisions)	San Bernardino Govt. Center	(909) 387-8311
	High Desert Govt. Center	(760) 995-8140
County Fire (Community Safety)	San Bernardino Govt. Center	(909) 387-8400
	High Desert Govt. Center	(760) 995-8190
County Fire	Hazardous Materials	(909) 386-8401
	Flood Control	(909) 387-7995
	Solid Waste Management	(909) 386-8701
	Surveyor	(909) 387-8149



Conditions of Approval

Record: PROJ-2021-00008

Planning Commission Date: August 18, 2022

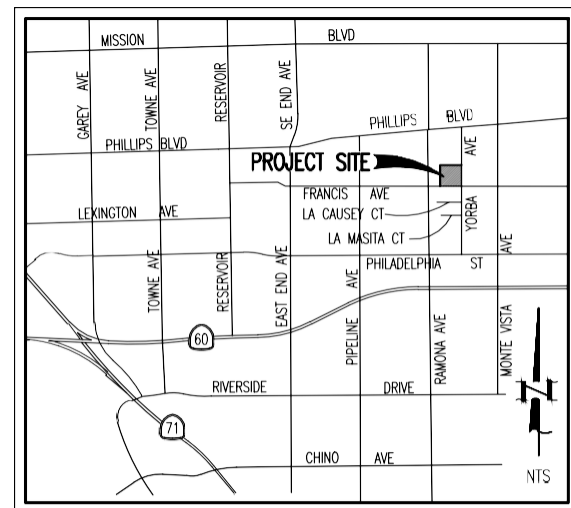
	Traffic	(909) 387-8186
Dept. of Public Health	Environmental Health Services	(800) 442-2283
Local Agency Formation Commission (LAFCO)		(909) 388-0480
	Water and Sanitation	(760) 955-9885
Special Districts	Administration, Park and Recreation, Roads, Streetlights, Television Districts, and Other	(909) 386-8800
<i>External Agencies (Caltrans, U.S. Army, etc.)</i>		<i>See condition text for contact information...</i>

EXHIBIT D

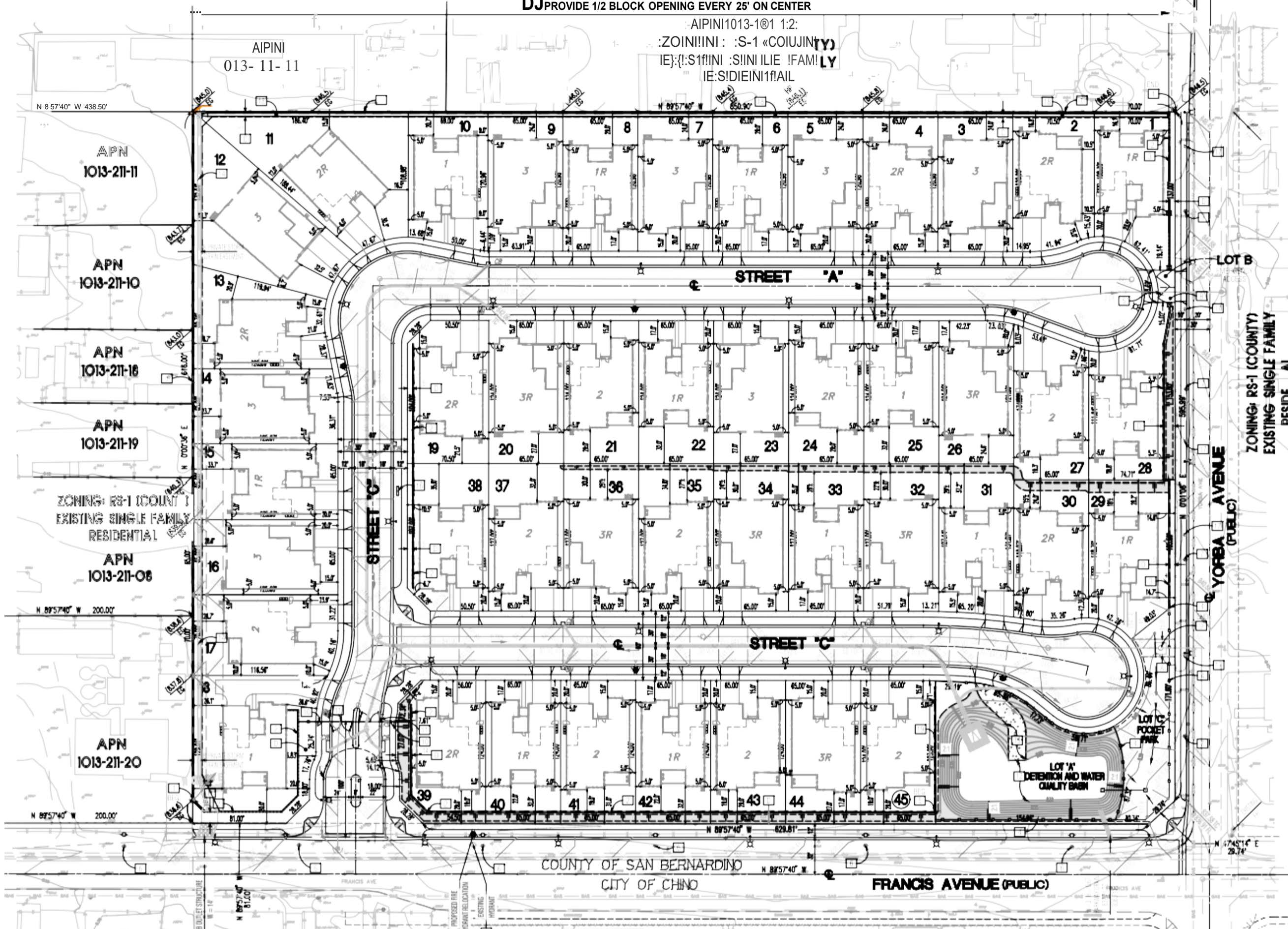
Preliminary Development Plan

DJ PROVIDE 1/2 BLOCK OPENING EVERY 25' ON CENTER

AIPINI 1013-11-11
 AIPINI 1013-11-10
 AIPINI 1013-21-11
 AIPINI 1013-21-10
 AIPINI 1013-21-16
 AIPINI 1013-21-19
 AIPINI 1013-21-08
 AIPINI 1013-21-20



VICINITY MAP



LOT TABULATION

LOT #	LOT AREA (SF)	BUILDING FOOTPRINT (SF)	PRIVATE OPEN SPACE (SF)	LOT #	LOT AREA (SF)	BUILDING FOOTPRINT (SF)	PRIVATE OPEN SPACE (SF)
1	8,489	3,929	4,560	25	8,060	3,929	4,131
2	8,251	3,946	4,325	26	8,037	4,320	3,717
3	7,861	4,320	3,541	27	8,010	3,946	4,064
4	7,864	3,946	3,918	28	9,439	3,929	4,056
5	7,864	4,320	3,544	29	9,216	3,929	5,287
6	7,864	3,929	3,935	30	7,815	3,946	3,869
7	7,864	4,320	3,544	31	8,255	3,929	4,326
8	7,864	3,929	3,935	32	8,255	4,320	3,935
9	7,864	4,320	3,544	33	8,255	3,929	4,326
10	7,912	3,929	3,983	34	8,255	4,320	3,935
11	13,838	3,946	9,812	35	8,255	3,946	4,309
12	11,946	4,320	7,626	36	8,255	4,320	3,935
13	8,729	3,946	4,783	37	8,255	3,946	4,309
14	8,107	4,320	3,787	38	8,753	3,929	4,824
15	8,167	3,929	4,238	39	9,039	3,946	5,093
16	8,165	4,320	3,845	40	8,060	3,929	4,131
17	8,677	3,946	4,731	41	8,060	3,946	4,114
18	13,285	3,929	9,356	42	8,060	3,929	4,131
19	8,542	3,946	4,596	43	8,060	3,946	4,114
20	8,060	4,320	3,740	44	8,060	4,320	3,740
21	8,060	3,946	4,114	45	8,059	3,946	4,113
22	8,060	3,929	4,131	TOTAL PRIVATE OPEN SPACE			199,901
23	8,060	4,320	3,740	LOT A COMMON OPEN SPACE			16,385
24	8,060	3,946	4,114	LOT B COMMON OPEN SPACE			440
				LOT C POCKET PARK			6,791
				PRIVATE STREET PARKWAYS			24,149
				TOTAL OPEN SPACE			247,666

% OPEN SPACE TO NET AREA= 47.4 %

LEGEND/ABBREVIATIONS

- RS-1 COUNTY OF SAN BERNARDINO ZONING
- RD-2 CITY OF CHINO ZONING
- BEG. BEGIN
- B.S.L. BUILDING SETBACK LINE
- FEET FEET
- FL FLOW LINE
- TC TOP OF CURB
- CF FACE OF CURB
- CB CATCH BASIN
- LP LOW POINT
- HP HIGH POINT
- VC VERTICAL CURVE
- BVC BEGIN VERTICAL CURVE
- MVC MIDDLE OF VERTICAL CURVE
- EVC END OF VERTICAL CURVE
- PI POINT OF INTERSECTION
- FS FINISH SURFACE
- TR TRACT
- FM FORCE MAIN
- Fire Hydrant FIRE HYDRANT
- Proposed Street Light PROPOSED STREET LIGHT
- Relocated Power Pole RELOCATED POWER POLE
- Existing Power Pole to be Relocated/Removed EXISTING POWER POLE TO BE RELOCATED/REMOVED
- Catch Basin CATCH BASIN
- Proposed Sewer Line PROPOSED SEWER LINE
- Proposed Main Water PROPOSED MAIN WATER
- Proposed Storm Drain PROPOSED STORM DRAIN
- Existing Gas Line EXISTING GAS LINE
- Existing Water Line EXISTING WATER LINE
- Existing Sewer Line EXISTING SEWER LINE

DEVELOPMENT STANDARDS

- LOT AREA, MINIMUM =7,800 SF
- LOT WIDTH, MINIMUM =65 FEET
- LOT DEPTH, MINIMUM =100 FEET
- MAXIMUM DENSITY 4 DU/AC
- LOT COVERAGE 60% MAXIMUM
- FRONT BUILDING SETBACK, MINIMUM 20 FEET
- REAR BUILDING SETBACK 15 FEET
- INTERIOR SIDE SETBACK MINIMUM 5 FEET ONE SIDE, 5 FEET OTHER
- LOCAL STREET SIDE SETBACK MINIMUM 10 FEET
- COLLECTOR STREET SIDE SETBACK MINIMUM 25 FEET
- STORIES 2
- MAXIMUM BUILDING HEIGHT 35 FEET
- STREET FRONTAGE MINIMUM 25 FEET
- FOR CUL-DE-SAC OR KNUCKLE LOT 45 FEET
- VARIANCE REQUIRED

LOT SIZES=

- LARGEST LOT: 13,838 SF
- SMALLEST LOT: 7,861 SF
- AVERAGE LOT: 8,533 SF

LAND USE SUMMARY=

LOTS 1-45	8.83	ACRES
LOTA	0.37	ACRES
LOTB	0.008	ACRES
LOTC	0.16	ACRES
STREETS "A", "B" & "C"	2.62	ACRES
YORBA AVENUE	0.41	ACRES
FRANCIS AVENUE	0.95	ACRES
TOTAL	13.348	ACRES

GROSS ACREAGE	13.35	ACRES (12.03 NET)
RESIDENTIAL LOTS	45	LOTS
GROSS DENSITY	3.37	DU/AC
EXISTING ZONING	RS-1	
PROPOSED ZONING	RS	

EASEMENT NOTES

- II SEWER EASEMENT
- III PRIVATE STORM DRAIN EASEMENT
- IV PRIVATE LANDSCAPE EASEMENT

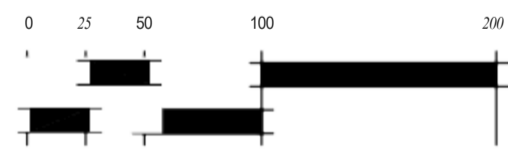
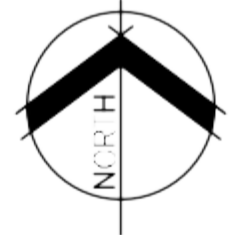
WALL AND FENCING AND MISCELLANEOUS NOTES :

- IT] 6" HIGH BLOCK WALL ON TOP OF 3" MAX. RETAINING WALL (PRECISION ON BOTH SIDE)
- II] 6" HIGH ONE SIDE SPLIT FACE BLOCK WALL (PRECISION - SIDE FACES HOMEOWNER)
- II] RETAINING BLOCK WALL (SPLIT FACE ON STREET SIDE)
- II] 5'-6" HIGH TUBULAR STEEL FENCE
- II] EVA GATE WITH KNOX BOX
- II] EXISTING POWER POLE TO BE RELOCATED
- II] EXISTING POWER POLE TO REMAIN
- II] EXISTING FIRE HYDRANT TO BE RELOCATED
- II] SEWER LIFT STATION
- II] PEDESTRIAN GATE
- II] GATED VEHICULAR ENTRANCE
- II] PROPOSED INFILTRATION BASIN. SEE PWQMP REPORT FOR DETAILS
- II] PROPOSED CONCRETE ACCESS RAMP (15% MAX. SLOPE), HEAVY BROOM FINISH
- II] PROPOSED 36" PRIVATE STORM DRAIN FOR OFF-SITE RUN-OFF
- II] PROPOSED NEIGHBORHOOD MAIL BOXES
- II] EXISTING NEIGHBORHOOD MAIL BOXES TO BE RELOCATED
- II] PROPOSED RECTANGULAR CHANNEL WITH STEEL GRATED COVER
- II] PROPOSED RETAINING WALL ON LOT 45

SERVICES=

- SEWER: MONTE VISTA WATER DISTRICT 10575 CENTRAL AVENUE MONTCLAIR, CA. 91763 PH: (909) 624-0035
- WATER: MONTE VISTA WATER DISTRICT 10575 CENTRAL AVENUE MONTCLAIR, CA. 91763 PH: (909) 624-0035
- GAS: THE GAS COMPANY PH: (800) 427-2200

- CABLE: TIME WARNER 5977 SYCAMORE COURT CHINO, CA. 91710 PH: (800) 892-2253
- TELEPHONE: VERIZON CALIFORNIA PH (800) 483-4000
- ELECTRIC: SOUTHERN CALIFORNIA EOISON 1351 FRANCIS STREET ONTARIO, CA. 91761 PH: (800) 655-4555



PREPARED FOR:

YORBA VILLAS, LLC
 11766 WILSHIRE BOULEVARD, SUITE 820
 LOS ANGELES, CA 90025
 CONTACT PERSON: ERIK PFAHLER
 TELEPHONE: (310) 582-1991 EXT. 203
 FAX: (310) 582-1999
 Email: Erik@borsteinenterprises.com

PREPARED BY:

MDS CONSULTING MORSE SCHULTZ
 17320 Redhill Avenue
 Suite 350
 Irvine, CA 92614
 Voice: 949-251-8621

DATE PREPARED: MAY 18, 2022

VESTING TENTATIVE TRACT NO. 20394 YORBA VILLAS · SITE PLAN COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA SHEET *Ct* OF!

PRELIMINARY SITE PLAN TR. 20056

EXHIBIT E

Findings

THE FOLLOWING ARE THE FINDINGS FOR THE POLICY PLAN AMENDMENT (GENERAL PLAN AMENDMENT) FROM VERY LOW DENSITY RESIDENTIAL (VLDR) TO LOW DENSITY RESIDENTIAL (LDR) AND ZONING AMENDMENT FROM SINGLE RESIDENTIAL, 1-ACRE (RS-1) TO SINGLE RESIDENTIAL (RS) ON THE 13.35 ACRE SITE (collectively the "Proposed Amendment"), PROPOSED IN CONJUNCTION WITH A PLANNED DEVELOPMENT AND TENTATIVE TRACT MAP TO SUBDIVIDE TWO LOTS INTO A 45-UNIT RESIDENTIAL HOUSING TRACT (Project).

FINDINGS: GENERAL PLAN AMENDMENT [Development Code Section 86.12.060]

1. THE PROPOSED AMENDMENT IS INTERNALLY CONSISTENT WITH ALL OTHER PROVISIONS OF THE POLICY PLAN;

The proposed amendment is consistent with and will further the objectives, goals and policies of the Policy Plan as detailed in Table 5.7-2 (Project Consistency with Applicable [Policy] Plan Policies) of the Project's Draft Environmental Impact Report and incorporated herein by reference. Specific goals and policies furthered by the proposed amendment include, but are not limited to, following:

- 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 proposed amendment is appropriate and consistent with adjacent single-family homes located south of the Project site. The change is consistent with existing lot sizes in the vicinity, which allows for a well-integrated land use mix that will meet general social and economic needs of the residents.

- 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.

Consistency: The increase in density authorized by the proposed amendment would be compatible and consistent with surrounding land uses. The Project site is surrounded by residential uses with varying densities and lot sizes. The proposed development is conditioned to comply with planned development standards that ensure the project will be consistent with the existing community identity. The proposed amendment will support a

project that will improve drainage, lead to an expansion of sewer lines that are not currently available, and will provide housing to an area that is in need of redevelopment.

- Policy LU-4.5 Community identity. We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development.

Consistency: The proposed amendment was analyzed and designed to be consistent with the community character. The proposal will offer residential uses with similar lot sizes and densities that exist in the vicinity of the Project site and south of the Project site in the City of Chino.

- Policy V/H-1.1 Housing compatibility. We encourage housing types and designs that are compatible with established land use patterns and the environment of the region, including single-family dwellings, mobile home parks/manufactured homeland-leased communities, and apartments.

Consistency: The housing type and styles proposed by the Project will blend appropriately with adjacent homes. The proposed one-story homes will be a high-quality development and will be compatible with the established land use patterns and styles of the region.

2. THE PROPOSED AMENDMENT WOULD NOT BE DETRIMENTAL TO THE PUBLIC INTEREST, HEALTH, SAFETY, CONVENIENCE, OR WELFARE OF THE COUNTY;

The proposed amendment will allow for the construction of a 45-unit residential development, new private streets, a small private park, street improvements (along Francis and Yorba Avenue) and onsite stormwater infrastructure that will benefit the public. To allow for flexibility in the application of Development Code standards and for innovation in site planning and other aspects of project design, and more effective design responses to site features, a Planned Development Permit and Tentative Tract Map is submitted in conjunction with the proposed amendment. The future development of the residential subdivision will benefit the public because the Planned Development Permit requires significantly higher quality than would be achieved through conventional design practices and development standards.

3. THE PROPOSED AMENDMENT IS IN THE PUBLIC INTEREST, THERE WILL BE A COMMUNITY BENEFIT, AND OTHER EXISTING AND ALLOWED USES WILL NOT BE COMPROMISED;

The Project site is comprised of 13.35 acres of vacant and disturbed land, located at 4570 Francis Avenue, Chino, CA (APNs: 1013-211-21 and 1013-211-22) in the unincorporated area of San Bernardino County. The site is directly northwest of the intersection of Yorba Avenue

and Francis Avenue (Project site). The Project site was previously developed with various residential and agricultural uses that have been removed from the site. Approval of the proposed amendment would allow for the development of a 45-unit, single family residential tract under and allow for regional improvements such as housing to be constructed as anticipated in the County's Policy Plan.

The Project would require construction of new internal private streets, curb, gutter, sidewalks, storm drain improvements, wet and dry utilities, and related infrastructure improvements. The Project would also connect to the existing water and sewer infrastructure in the Yorba Avenue right-of-way or a City of Chino or Environmental Health Services (EHS) approved system. The Project would construct 8-inch public domestic water lines onsite that would connect to the City of Chino public water system. The sewage disposal system would connect to an existing Monte Vista Water District / Inland Empire Utilities Agency 21-inch sewer line or to a City of Chino sewer line in Yorba Avenue, or to an EHS-approved package treatment plant system. Stormwater would be collected onsite and percolate into the ground with a drywell system.

The proposed Project is being developed in the public interest and will provide a community benefit by means of improved drainage, expansion of sewer and water lines, and would create an attractive, cohesive residential community through the three architectural styles to be provided, including Spanish Colonial, California Ranch, and Hacienda Ranch. In addition, landscaping throughout the site and the use of consistent building materials would provide architectural compatibility. As such, the proposed Project will be a benefit to the community and region and not compromise existing development in the area.

4. THE PROPOSED AMENDMENT WILL PROVIDE A REASONABLE AND LOGICAL EXTENSION OF THE EXISTING LAND USE PATTERN IN THE SURROUNDING AREA;

The proposed amendment would not result in a inconsistency with the existing land use pattern. Rather, developing 45 single-family residences is similar to the existing surrounding areas and would create a cohesive neighborhood. Furthermore, the proposed amendment would not conflict with a policy or plan adopted for the purpose of avoiding or mitigating an environmental effect.

5. THE PROPOSED AMENDMENT DOES NOT CONFLICT WITH PROVISIONS OF THIS DEVELOPMENT CODE;

The proposed amendment will further the objectives and purpose of the residential land use zoning district which is intended for single-family residential uses and Public and quasi-public facilities such as parks, religious facilities, schools, sheriff's stations, and fire stations. Since single family home will be developed, the Project is consistent and will not conflict with the Development Code.

6. THE PROPOSED AMENDMENT WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON SURROUNDING PROPERTY; AND

The proposed amendment will allow for the development of four units per acre. The site of the proposed amendment has been used for residential development since 1938 and is surrounded by single-family residences or areas planned for urban development. Based on the California Department of Finance data, with an estimate of 3.37 persons per household within San Bernardino County, the proposed Project would result in a net increase of approximately 152 new persons. Overall, the Southern California Association of Governments' (SCAG) 2019-2045 Population, Households, and Employment Projections household growth forecast from 2019 through 2045 for the County envisions an increase of 218,300 households, yielding an approximately 33% growth rate in households. The proposed Project would increase households in the County by approximately 0.02 percent of the projected increase in households for the County. Therefore, impacts related to growth from changes in existing regulations pertaining to this development would be less than significant and would not adversely affect the surrounding area due to project conditions and improvement. Adequate public services and facilities exist, or will be provided, in compliance with the conditions of the development plan approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity.

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, 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 amendment will facilitate a residential subdivision that is suitable in terms of design, location, shape and size to allow for adequate emergency vehicle access and connection to all required utilities. Developing 45 single-family residences similar to the existing surrounding areas would create a cohesive neighborhood and would not endanger, jeopardize or create a hazard to properties in the vicinity. Adequate public services and facilities exist, or will be provided, in compliance with the conditions of the development plan approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity.

FINDINGS: Planned Development

Required findings. Before approving a request for a Planned Development Permit, the review authority shall first find that all of the following are true:

1. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE GENERAL PLAN AND ANY APPLICABLE PLAN.

The proposed development is consistent with the Policy Plan and any other applicable plan because the proposed development conforms to the proposed General Plan Land Use Zoning designation for the Project site, which will be Single Residential (RS). The proposed Project further promotes sustainable growth and walkable communities' concepts, as well as the following Policy Plan Goals and Policies by providing a well-integrated residential Project in an urbanized area:

- 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.
- 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.
- Policy LU-4.5 Community identity. We require that new development be consistent with and reinforce the physical and historical character and identity of our unincorporated communities, as described in Table LU-3 and in the values section of Community Action Guides. In addition, we consider the aspirations section of Community Action Guides in our review of new development.

2. THE PHYSICAL CHARACTERISTICS OF THE SITE HAVE BEEN ADEQUATELY ASSESSED AND THE SITE FOR THE PROPOSED DEVELOPMENT IS ADEQUATE IN TERMS OF SHAPE AND SIZE TO ACCOMMODATE THE USE AND ALL LANDSCAPING, LOADING AREAS, OPEN SPACES, PARKING AREAS, SETBACKS, WALLS AND FENCES, YARDS, AND OTHER REQUIRED FEATURES.

The physical characteristics of the site have been adequately assessed and the site for the proposed development is adequate in terms of shape and size to accommodate the use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features because the proposed development has been designed to adequately address the development standards of the County Development Code. The proposed Project is adequate in shape and size to accommodate the proposed residential uses along with all required landscaping, open space, setbacks, walls, fences, yards, noise attenuation measures, drainage improvements and other features.

3. THE SITE FOR THE PROPOSED DEVELOPMENT HAS ADEQUATE ACCESS, IN THAT THE SITE DESIGN AND DEVELOPMENT PLAN CONDITIONS CONSIDER THE

LIMITATIONS OF EXISTING STREETS AND HIGHWAYS AND PROVIDES IMPROVEMENTS TO ACCOMMODATE THE ANTICIPATED REQUIREMENTS OF THE PROPOSED DEVELOPMENT.

The site for the proposed Planned Development has adequate access, in that the site design and development plan conditions consider the limitations of existing streets and highways and provides improvements to accommodate the anticipated requirements of the proposed development, because the proposed Project has been designed with adequate internal circulation and has been conditioned to provide adequate access to the nearest publicly maintained road. This includes requirements to construct street improvements on Yorba and Francis Avenues and a contribution to a fair share contribution for the construction of street and intersection improvements to specific roadways in the surrounding area.

- 4. ADEQUATE PUBLIC SERVICES AND FACILITIES EXIST, OR WILL BE PROVIDED, IN COMPLIANCE WITH THE CONDITIONS OF DEVELOPMENT PLAN APPROVAL, TO SERVE THE PROPOSED DEVELOPMENT AND THE APPROVAL OF THE PROPOSED DEVELOPMENT WILL NOT RESULT IN A REDUCTION OF PUBLIC SERVICES TO PROPERTIES IN THE VICINITY TO BE A DETRIMENT TO PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.**

Adequate public services and facilities exist, or will be provided, in compliance with the conditions of the development plan approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity to be a detriment to public health, safety, or general welfare.

- 5. THE PROPOSED DEVELOPMENT, AS CONDITIONED, WILL NOT HAVE A SUBSTANTIAL ADVERSE EFFECT ON SURROUNDING PROPERTY OR THEIR ALLOWED USE, AND WILL BE COMPATIBLE WITH THE EXISTING AND PLANNED LAND USE CHARACTER OF THE SURROUNDING AREA.**

The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or their allowed use, and will be compatible with the existing and planned land use character of the surrounding area because the proposed single-family residential Project is located adjacent to single family homes similar in size that is being proposed.

- 6. THE IMPROVEMENTS REQUIRED BY THE PROPOSED CONDITIONS OF DEVELOPMENT PLAN APPROVAL, AND THE MANNER OF DEVELOPMENT ADEQUATELY ADDRESS ALL NATURAL AND MAN-MADE HAZARDS ASSOCIATED WITH THE PROPOSED DEVELOPMENT AND THE PROJECT SITE INCLUDING FIRE, FLOOD, SEISMIC, AND SLOPE HAZARDS.**

The improvements required by the proposed conditions of the Planned Residential Development Plan approval, and the manner of development adequately address all natural and manmade hazards associated with the proposed development and the Project site including fire, flood, seismic, and slope hazards because the proposed Project has included

specific studies addressing emergency access, geology, seismic, drainage, air quality, and noise. These and other potential hazards have been adequately addressed through the development review process by incorporating as mitigation measures and conditions of approval the recommendations proposed in the various studies, and by incorporating the requirements and standards of the County Development Code, including the County noise standards.

7. THE PROPOSED DEVELOPMENT CARRIES OUT THE INTENT OF THE PLANNED DEVELOPMENT PERMIT PROVISIONS BY PROVIDING A MORE EFFICIENT USE OF THE LAND AND AN EXCELLENCE OF DESIGN GREATER THAN THAT WHICH WOULD BE ACHIEVED THROUGH THE APPLICATION OF CONVENTIONAL DEVELOPMENT STANDARDS.

The proposed development carries out the intent of the Planned Development Permit provisions by providing a more efficient use of the land and an excellence of design greater than that which would be achieved through the application of conventional development standards, because the proposed Project is a Planned Development that has been designed as a private gated community that incorporates open space and recreational amenities, and architectural design features that have achieved a more efficient use of land through the Planned Development Permit process.

8. IF THE DEVELOPMENT PROPOSES TO MIX RESIDENTIAL AND COMMERCIAL USES WHETHER DONE IN A VERTICAL OR HORIZONTAL MANNER, THE RESIDENTIAL USE IS DESIGNED IN A MANNER THAT IT IS BUFFERED FROM THE COMMERCIAL USE AND IS PROVIDED SUFFICIENT AMENITIES TO CREATE A COMFORTABLE AND HEALTHY RESIDENTIAL ENVIRONMENT AND TO PROVIDE A POSITIVE QUALITY OF LIFE FOR THE RESIDENTS. THE AMENITIES MAY INCLUDE LANDSCAPING, PRIVATE OPEN SPACE, PRIVATE OR SEPARATED ENTRANCES, ETC.

The residential use is designed in a manner to create a comfortable and healthy residential environment to allow for a positive quality of life for the residents. The Project has been designed in a manner that provides landscaped setbacks and sound walls between the proposed residential Project and the adjacent streets.

TENTATIVE TRACT MAP FINDINGS: [Development Code Section 87.02.060]

1. THE PROPOSED MAP, SUBDIVISION DESIGN, AND IMPROVEMENTS ARE CONSISTENT WITH THE POLICY PLAN, ANY APPLICABLE COMMUNITY PLAN, AND ANY APPLICABLE SPECIFIC PLAN.

The proposed subdivision, together with the provisions for its design and improvements is consistent with the Policy Plan and Development Code, and allows for development according to single-family standards and design guidelines in the Planned Development.

2. THE SITE IS PHYSICALLY SUITABLE FOR THE TYPE AND PROPOSED DENSITY OF DEVELOPMENT.

The site is physically suitable for the type and proposed density of development because all physical constraints of the site, including access, circulation and drainage, have been recognized and mitigated with appropriate conditions of approval.

3. THE DESIGN OF THE SUBDIVISION AND THE PROPOSED IMPROVEMENTS ARE NOT LIKELY TO CAUSE SUBSTANTIAL ENVIRONMENTAL DAMAGE OR SUBSTANTIALLY AND AVOIDABLY INJURE FISH OR WILDLIFE OR THEIR HABITAT.

The potential environmental effects of the proposed Project have been analyzed in the Final Environmental Impact Report, which determined the Project to have no adverse effects on the environment with the implementation of the required mitigation measures and conditions of approval.

4. THE DESIGN OF THE SUBDIVISION OR TYPE OF IMPROVEMENTS IS NOT LIKELY TO CAUSE SERIOUS PUBLIC HEALTH OR SAFETY PROBLEMS.

The design of the subdivision or the type of improvements is not likely to cause serious public health problems, because the conditions of approval for the proposed map and the related Planned Development require compliance with County health and safety standards.

5. THE DESIGN OF THE SUBDIVISION OR THE TYPE OF IMPROVEMENTS WILL NOT CONFLICT WITH EASEMENTS ACQUIRED BY THE PUBLIC AT LARGE FOR ACCESS THROUGH OR USE OF, PROPERTY WITHIN THE PROPOSED SUBDIVISION.

The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision, because the conditions of approval require any conflicts to be resolved prior to recordation.

6. THE DISCHARGE OF SEWAGE FROM THE PROPOSED SUBDIVISION INTO THE COMMUNITY SEWER SYSTEM WILL NOT RESULT IN VIOLATION OF EXISTING REQUIREMENTS PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD.

The improvements required per the conditions of Single-Family Design Guidelines and Planned Development standards, and the manner of development proposed adequately address all natural and man-made hazards associated with the proposed development and the Project site, including sewer capacity. The project will be served by a sewer system and will not result in a violation of prescribed requirements by the Regional Water Quality Control Board.

7. THE DESIGN OF THE SUBDIVISION PROVIDES, TO THE EXTENT FEASIBLE, PASSIVE OR NATURAL HEATING AND COOLING OPPORTUNITIES.

The design of the proposed subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities, as encouraged by Single-family Development Standards and the current Building Code.

8. THE PROPOSED SUBDIVISION, ITS DESIGN, DENSITY, AND TYPE OF DEVELOPMENT AND IMPROVEMENTS CONFORMS TO THE REGULATIONS OF THIS DEVELOPMENT CODE AND THE REGULATIONS OF ANY PUBLIC AGENCY HAVING JURISDICTION BY LAW.

The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of this Development Code and the regulations of any public agency having jurisdiction by law. The proposed subdivision design meets the minimum lot size, depth, width, and gross acreage requirements of the Development Code by means of the Planned Development. Agencies having jurisdiction by law have reviewed the proposed subdivision and have provided conditions of approval to ensure regulations of the Development Code and any applicable federal, state, and local laws are met.

EXHIBIT F

Comment Letters

Valdez, Steven

From: Priscilla Velasquez <pvelasquez4562@gmail.com>
Sent: Monday, July 05, 2021 9:34 AM
To: Valdez, Steven

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

Dear Steven Valdez,

I oppose the Project Yorba Villas. It is not compatible with the area. Major flooding is a common issue on Yorba and as well as the cross street Francis. Yorba Villas with 45 homes will make matters worse. The amount of vehicles and traffic that the project would bring is also very problematic. In addition, rezoning and adding a new type of housing to people who aren't use to the animals in our surrounding areas might complain because of the "smell" or our beautiful horses walking by, and that is definitely not ok because this area is zoned for animals and their complaints can lead to action. I strongly urge you to disapprove the project. Yorba Villas will have a negative environmental impact on the community. Thank you.

Priscilla Velásquez

Valdez, Steven

From: J Wolff <jwolff3232@verizon.net>
Sent: Monday, July 05, 2021 9:55 PM
To: Valdez, Steven
Subject: Yorba Villas

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 It May Concern,

I bought my property over 40 years ago on Monte Vista Ave. Realization has sunk in that horse property is a thing of the past. Development will come but how, why, for whom and will there be any guarantee that haphazard housing will not happen.

Rowland Heights was a perfect example. So many years ago, the community had valuable parcels, big lots and seemed to have potential as a nice place to live. Let Colima Road be an example of development gone haywire. Houses galore, shops with no apparent planning and a mishmash of junk...Rowland Heights.

What are my complaints about the development of "Francis Estates" aka Yorba Villas? If the county and the developers could be trusted then I'd gripe about the traffic, narrow streets, lack of following a "master plan" for our area and the like. But, I don't trust either the developer or the county. Take, for example, the development on the north west corner of Central and Francis. It was to be fairly large parcels with bridle trails keeping in conjunction with the rural atmosphere. Chino was "screwed". Those places are stacked in there with little or no room for parking (except your driveway). Heaven forbid a firetruck enters there. The development on Monte Vista just north of Philadelphia (n/w corner) was to be in keeping with the surrounding houses. Nope...they're two story and stick out like sore thumbs. So much for blending in. Developers talk a good line, promise you the moon with pictures and all, misrepresent, develop junk, make money then leave. Do I trust developers? I think not.

As for the county. I trust them like pit vipers. How did a three story apartment building get in on Francis just east of Monte Vista? The place next door to me has never been permitted for a second story and the county was following up on it until the owner decided to "turn the second story into a storage 'attic'" and rent it out as a one bedroom, one bath. It was okayed by the SB County building inspector however, there are people living in the "attic" not following the code laws. The last, but not least, gripe I have about the county is the building on the n/e corner on Monte Vista and Francis. It was a Grange Hall and was turned into a multi-unit apartment-type complex with no permits, no notification of nearby residents and not in keeping with the existing zoning. This started last summer and is continuing with the owner of the

complex making money. I can't see how they "tied" into Chino sewer system so must still be on a septic tank. Complaints have been filed with the county and little has been done. Sure makes the property owners in the area feel like the county supports the people with the deep pockets and ignore the laws.

A for the "Francis Estates" aka Yorba Villas and the two additional properties that are under consideration to be connected to the Chino sewer lines via Monte Vista Water District...my vote is NO. Trust the long time residents. Rumor has it that Hagman didn't buy in the new, smaller units on Central north of Francis but, instead bought in the larger parcels on private streets in Riverside Terrace. So much for SB County "influence".

From: [Angel](#)
To: [Planning Commission Comments](#)
Subject: The Yorba Villa Request for a zone change.
Date: Monday, August 8, 2022 4:43:01 PM

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.

If this requested zone change, has been rejected twice by our City of Chino, just don't understand why the San Bernardino Planning Commission insists that this already closed matter has bring back to the citizenship, maybe there are some other options to comply with the RS-1 actual zoning for 13.35 instead of the ambitious 45 unit development that would affect the actual citizen that has been living in the area for many years, it's disrespectful.

[Sent from the all new AOL app for Android](#)

Valdez, Steven

From: Eric <promech4@sbcglobal.net>
Sent: Monday, July 26, 2021 12:36 PM
To: Valdez, Steven
Subject: Yorba Villas Support

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

Dear Mr. Valdez,

As a resident of Chino and a neighboring property owner, I would like to record my support for the Yorba Villas Project. Yorba Villas is a quality housing project that will clean up previously blighted properties and provide significant landscaping and street improvements to our neighborhood.

We hope that San Bernardino County will approve Yorba Villas expeditiously and look forward to this project's completion in the near future.

Thank you.

Sincerely

Eric and Brenda Elrick

Valdez, Steven

From: JOANNE FORD <JFord62626@msn.com>
Sent: Friday, July 23, 2021 2:53 PM
To: Valdez, Steven
Subject: Yorba Villas Support

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

Dear Mr. Valdez,

As a resident of Chino and a neighboring property owner, I would like to record my support for the Yorba Villas Project. Yorba Villas is a quality housing project that will clean up previously blighted properties and provide significant landscaping and street improvements to our neighborhood.

We hope that San Bernardino County will approve Yorba Villas expeditiously and look forward to this project's completion in the near future.

Thank you.

Joanne Ford

(909) 636-6306

JFord62626@msn.com

Valdez, Steven

From: Olivia Castanon <liv0713@yahoo.com>
Sent: Friday, July 23, 2021 3:11 PM
To: Valdez, Steven
Subject: Yorba Villas Support

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

Dear Mr. Valdez,

As a resident of Chino and a neighboring property owner, I would like to record my support for the Yorba Villas Project. Yorba Villas is a quality housing project that will clean up previously blighted properties and provide significant landscaping and street improvements to our neighborhood. We hope that San Bernardino County will approve Yorba Villas expeditiously and look forward to this project's completion in the near future.

Thank you,
Olivia Castanon

Valdez, Steven

From: ERIC ELRICK <eelrick@msn.com>
Sent: Saturday, July 24, 2021 2:28 PM
To: Valdez, Steven
Subject: Yorba Villas Support

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

Dear Mr. Valdez,

As a resident of Chino and a neighboring property owner, I would like to record my support for the Yorba Villas Project. Yorba Villas is a quality housing project that will clean up previously blighted properties and provide significant landscaping and street improvements to our neighborhood.

We hope that San Bernardino County will approve Yorba Villas expeditiously and look forward to this project's completion in the near future.

Thank you.

Valdez, Steven

From: Family <mercado.family@verizon.net>
Sent: Friday, July 23, 2021 4:54 PM
To: Valdez, Steven
Subject: Yorba Villas Support

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

Dear Mr. Valdez,

As a resident of Chino and a neighboring property owner, I would like to record my support for the Yorba Villas Project. Yorba Villas is a quality housing project that will clean up previously blighted properties and provide significant landscaping and street improvements to our neighborhood.

We hope that San Bernardino County will approve Yorba Villas expeditiously and look forward to this project's completion in the near future.

Thank you.

Sent from my iPhone

Valdez, Steven

From: Richard Durrington <durringtonrichard@gmail.com>
Sent: Saturday, July 24, 2021 7:43 AM
To: Valdez, Steven
Subject: Yorba+Villas+Support

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

Dear+Mr.+Valdez,

As+a+resident+of+Chino+and+a+neighboring+property+owner,+I+would+like+to+record+my+support+for+the+Yorba+Villas+Project.++Yorba+Villas+is+a+quality+housing+project+that+will+clean+up+previously+blighted+properties+and+provide+significant+landscaping+and+street+improvements+to+our+neighborhood.

We+hope+that+San+Bernardino+County+will+approve+Yorba+Villas+expeditiously+and+look+forward+to+this+project's+completion+in+the+near+future.

Thank+you.

Valdez, Steven

From: Jeannie Barbosa <appraisalbroker@aol.com>
Sent: Wednesday, April 28, 2021 8:52 AM
To: Valdez, Steven
Subject: IMPORTANT PROJECT NUMBER PROJ-2021-00008
Attachments: County Project Notice.pdf

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.

ATTACHED PROJECT NOTICE

Dear Mr Valdez

This is in regards to a PROJECT NOTICE I received regarding a proposed zone change to accommodate a 45 home subdivision located at 4570 Francis Ave Chino Ca 91710

My Name is Jeanne Barbosa
My address is:
11588 Yorba Avenue
Chino Ca 91710

I have lived at this address adjacent to the subject property for 32 years
I would like to go on record as being totally opposed to the proposed density of this project

This is a rural area made up of nurseries, growers and agricultural properties
This density is not even remotely conducive to the surrounding area
I submit to you to adhere to what the area is currently zoned
And to not give in to a greedy builder's wish list

We are not against progress and would like to see the property developed
However developed to maintain the rural atmosphere we all love and enjoy

I would like to be notified and invited to any and all public meetings in regards to this proposed zone change

To reiterate:

WE STRONGLY OPPOSE THIS INCREASED DENSITY PROPOSAL

Regards, Jeannie Barbosa

Jeannie Barbosa
Broker 00902080
NMLS MLO # 1153434

CSLC # 697344
BREA # AT042787
909-268-3333 text only

Valdez, Steven

From: Tony Stephen <ke6jzf@verizon.net>
Sent: Sunday, April 25, 2021 11:34 AM
To: Valdez, Steven
Subject: PROJ-2021-00008 coments.

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PROJ-2021-00008
Assessor Parcel No: 1013-21-121 & 22
Applicant: Solutions
Location: 4570 Francis Ave.
Chino, CA. 91710
Category: RS-1/VLDR

ME: Tony Stephen
11419 Yorba Ave.
Chino Ca. 91710
Ke6jzf@verizon.net

I wish to express my objection to the application as presented.
I object to the re-zoning to allow a total of 45 homes.
I can live with the existing zoning of 1 unit/acre.

Thank You
Tony Stephen
11419 Yorba Ave.
Chino, Ca. 91710 909-628-
2843
Ke6jzf@verizon.net

Valdez, Steven

From: Eric <eelrick@msn.com>
Sent: Monday, April 12, 2021 9:08 AM
To: Valdez, Steven
Subject: PROJ-2021-00008 PARCEL 1013-21-121&22

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Steven, Are these going to be single story home? Do you have a plot plan of what they are proposing like they had when they tried to get Chino Francis Estates passed with the city of Chino. Thanks Sincerely Eric Elrick

Sent from my iPad

Valdez, Steven

From: Jeanne Ackerman <lilstrutt@yahoo.com>
Sent: Monday, May 24, 2021 12:45 PM
To: Supervisor Hagman; Valdez, Steven
Cc: Erik; Vince Oatis; Bill
Subject: Yorba Villas Project

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.

Hello,
I'm writing in support of the proposed Yorba Villas Project in the city of Chino. We live directly across Francis Ave. and would love to see this development in place of an empty field that draws crime, homeless and trash. The project would 100% improve the area and I look forward to it!

Thank you
Jeanne Ackerman
4628 La Causey Ct
Chino, CA 91710
(562) 896-6898

Valdez, Steven

From: Kathleen Herron <bobsgirl550@yahoo.com>
Sent: Thursday, May 20, 2021 9:32 AM
To: Valdez, Steven
Subject: Villa Yorba

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.

Sent from my iPhone Supervisor Cut Hagman,
Steve Valdez, County Planner

Regarding: PROJ-2021-0008, known as Villa Yorba

Dear Supervisor Hagman and Mr. Valdez,

We live in the neighborhood of the above referenced 45-home project. We supported this project when it went before the City of Chino last year and we continue to support it. The developer has reached out to us and shared the most current plans. We like the quality of the project, the improvements being proposed to the streets and parkways along Francis and Yorba, and we especially like all single-story architecture. We urge you to approve the project as soon as possible the better.

Sincerely

Kathleen Herron
4640 La Masita Ct
Chino

Valdez, Steven

From: Priscilla Velasquez <pvelasquez4S62@gmail.com>
Sent: Friday, April 23, 2021 11:58 PM
To: Valdez, Steven
Subject: project notice

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

Project# PROJ-2021-00008
ASSESSOR PARCEL# 1013-21-121&22

Priscilla Velasquez
4543 Francis Ave
Chino, CA 91710
Pvelasquez4562@gmail.com

Greetings Steven Valdez,

My name is Priscilla Velasquez, I am one of the many neighbors to the empty lot with the proposed building project. I do NOT want Borstein Enterprises to build a ton of homes just to make them rich. I have lived in Chino for 25 years, 22 of them directly next to that lot at 4562 Francis Ave and 3 years across the street at 4543 Francis Ave. I love Chino, and enjoy it for what it is, agricultural, large lots with the ability to have animals and farm/garden at home. We should be able to preserve what makes Chino unique and the reason so many of us chose to stay here and raise families, NOT give in to people who come in and build for a profit, disregarding all rules for housing. If the county or city allows them to build 4.5 units per acre, the amount of traffic in this area will quadruple. In addition, those people who can afford \$700,000 homes are most likely going to come from a place where they believe they have more privileges and complain about the smell or sound the animals make. However they are coming to OUR city and should embrace the city. Please consider our say, as there is a legitimate reason we do not want >40 houses built and our zoning changed. We LOVE Chino, please let us enjoy our city.

Thank you,

Priscilla Velasquez

Valdez, Steven

From: Christie Andridge <christiea001@msn.com>
Sent: Wednesday, May 26, 2021 9:47 AM
To: Valdez, Steven
Subject: Project-2021-00008 Francis Ave

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.

Good Morning Mr Valdez,

I am writing to let you know that my husband and I support the Yorba Villas project. We had a positive meeting with the developer and are anxious to see this project move forward. We live adjacent to the project and we're very disappointed when the City of Chino denied it.

Thank you for your consideration and support of this project.

Sincerely,
Christie Andridge

Sent from my iPad

EXHIBIT G

Final EIR with Responses to Comments

[www.sbcounty.gov/uploads/LUS/Environmental/Yorba Villas/CONSOLIDATED FEIR.pdf](http://www.sbcounty.gov/uploads/LUS/Environmental/Yorba_Villas/CONSOLIDATED_FEIR.pdf)

EXHIBIT H

CEQA Findings of Fact and Mitigation Monitoring and Reporting Program

**FINDINGS AND FACTS IN SUPPORT OF FINDINGS
AND STATEMENT OF OVERRIDING CONSIDERATIONS
FOR THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
YORBA VILLAS RESIDENTIAL PROJECT
SAN BERNARDINO COUNTY, CALIFORNIA
STATE CLEARINGHOUSE NO. 2021060049**

1. INTRODUCTION

The California Environmental Quality Act, Public Resources Code Section 21000 et seq. and the State CEQA Guidelines, 14 Cal. Code of Regs. Section 15000 et seq. (collectively, CEQA) require that a public agency consider the environmental impacts of a project before a project is approved and make specific findings. CEQA Guidelines Section 15091, implementing CEQA Section 21081, provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

CEQA Guidelines Section 15093 further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, reviewed and considered the Draft Environmental Impact Report (DEIR) and the Final Environmental Impact Report (FEIR) for the Yorba Villas Residential Project, SCH No. 2021060049 (collectively, the EIR), as well as all other information in the record of proceedings on this matter, the following Findings and Facts in Support of Findings (Findings) and Statement of Overriding Considerations (SOC) are hereby adopted by the County of San Bernardino (County) in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the County for the development of the Project. These actions include the approval of the General Plan Amendment (GPA), Zone Change (ZC), Planned Development Permit (PDP), and Tentative Tract Map (TTM). These actions are collectively referred to herein as the Project.

A. Document Format

These Findings have been organized into the following sections:

Section 1 provides an introduction to these Findings.

Section 2 provides a summary of the Project and overview of the discretionary actions required for approval of the Project, and a statement of the Project’s objectives.

Section 3 provides a summary of previous environmental reviews related to the Project area that took place prior to the environmental review done specifically for the Project, and a summary of public participation in the environmental review for the Project.

Section 4 sets forth findings regarding environmental impacts identified in the EIR which were determined not to be significant.

Section 5 sets forth findings regarding environmental impacts identified in the EIR which can feasibly be mitigated to a less than significant level through the imposition of project design features, regulatory requirements, and/or mitigation measures. In order to ensure compliance and implementation, all of these measures are included in the Mitigation Monitoring and Reporting Program (MMRP) for the Project which shall be adopted by the County together with these

Findings in accordance with CEQA Section 21081.6. Where potentially significant impacts can be reduced to less than significant levels through adherence to project design features and regulatory requirements, these findings specify how those impacts were reduced to an acceptable level.

Section 6 sets forth findings regarding growth inducement.

Section 7 sets forth findings regarding significant and unavoidable effects.

Section 8 sets forth findings regarding alternatives to the proposed Project.

B. Custodian and Location of Records

The documents and other materials which constitute the administrative record for the County's actions related to the Project are located at the County of San Bernardino, Land Use Services Department, Planning Division, 385 North Arrowhead Avenue, First Floor, San Bernardino, CA 92415-0187. The County of San Bernardino is the custodian of the administrative record for the Project.

2. PROJECT SUMMARY

A. Project Location

The Project site is comprised of 13.35 acres of vacant and disturbed land, located at 4570 Francis Avenue, Chino, CA (APNs: 1013-211-21 and 1013-211-22) in the unincorporated area of San Bernardino County. The site is directly northwest of the intersection of Yorba Avenue and Francis Avenue (Project site). The Project site is currently vacant but was previously developed with various residential and agricultural uses.

The Project area is adjacent to the City of Chino to the southeast and unincorporated San Bernardino County borders all other sides of the Project site. The City of Montclair is approximately ¼ mile to the north. Regional access is provided via State Route 60 (SR-60) which is located approximately 0.8 mile south and State Route 71 (SR-71), approximately 3.7 miles west. Local access is provided by Francis Avenue.

B. Project Description

The applicant, Borstein Enterprises, has submitted applications to the County of San Bernardino for a General Plan Amendment (GPA), a Zone Change (ZC), a Planned Development Permit (PDP), and a Tentative Tract Map (TTM) for the Project referred to as the Yorba Villas Residential Project. The GPA would amend the Countywide Policy Plan category from Very Low Density Residential (VLDR), which allows for a maximum of 2 dwelling units per acre, to Low Density Residential (LDR), which allows for a maximum of 5 dwelling units per acre. The Zone Change would be from Single Residential 1-acre Minimum (RS-1) to Single Residential (RS), which allows for a maximum density of 4 units per acre. The TTM is to develop 45 single-family homes, new private streets, a small private park, street improvements (along Francis and Yorba Avenue), and onsite stormwater infrastructure. The PDP allows for flexibility in the application of Development Code standards. The purpose is to allow for innovation in site planning and other aspects of Project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Development Code standards would produce without adjustment. The County expects each Planned Development Permit project to be of

obvious, significantly higher quality than would be achieved through conventional design practices and development standards.

The proposed Project would have a density of 3.75 dwelling units per acre. A total of 225 parking spaces would be provided onsite for the proposed residences and guest parking.

The Project proposes single-family residences on approximately 7,861 to 13,285 square foot lots, with private driveways and outdoor areas. All lots would have landscaping and driveways accessed from the Project's proposed internal, private streets. In addition, the Project would include one detention and water quality basin ("Lot A") near the southeast corner of the site and landscaping which is further described below.

Architecture. The residences would range in size from approximately 2,820 square feet to 3,062 square feet for the design footprints. The one-story design would consist of three different floor plans.

Landscaping. Landscaping proposed as part of the Project would consist of water-conserving trees, shrubs, and groundcover, as required in the County Development Code. The Project would include street trees and landscaping along parkways. Additional landscaping would be provided at the detention and water quality basin ("stormwater basin garden") in the southeastern portion of the site, and along Francis Avenue and Yorba Avenue.

Open Space. The conceptual open space plan would include a 6,791 square foot park ("Lot C") in the southeastern portion of the Project site that would include a turf play area, tot-lot, seating, barbecue area, bike racks, and park benches. The stormwater basin garden would be adjacent to the west of the park.

Site Access. Vehicular access to the Project would be provided by a gated driveway from Francis Avenue, located near the southwest corner of the Project site. Three new streets would be constructed to provide internal circulation. These streets would feature parallel parking spaces for guests. The Project would provide internal sidewalks and would construct new sidewalks along the Francis Avenue and Yorba Avenue rights-of-way.

Infrastructure. The Project would construct new internal private streets, curb, gutter, sidewalks, storm drain improvements, wet and dry utilities, and related infrastructure improvements. The Project would connect to the existing water and sewer infrastructure in the Yorba Avenue right-of-way. Stormwater would be collected onsite and percolate into the ground with a drywell system. The Project would construct 8-inch public domestic water lines onsite that would connect to an existing 8-inch water main in Yorba Avenue. In addition, the Project would install new 8-inch public sewer lines and a lift station onsite that would connect to the existing Inland Empire Utilities Agency 21-inch sewer line in Yorba Avenue.

Required Approvals:

Implementation of the Project would require, but is not limited to, the following discretionary approvals by the County (Lead Agency):

- Certification of the Final EIR
- Adoption of a Mitigation Monitoring and Reporting Program
- General Plan Amendment
- Zoning Map Amendment

- Tentative Tract Map
- Planned Development Permit

C. Statement of Project Objectives

The following objectives have been identified in order to aid decision makers in their review of the proposed Project and its associated environmental impacts.

- Provide for additional market-rate housing opportunities consistent with the County’s Housing Element and State housing goals.
- Facilitate high-quality development through the use of a Planned Development Permit, that is compatible with the existing surrounding residential neighborhoods on underutilized parcels planned for residential development.
- Provide a new single-story single-family neighborhood that is scaled, buffered, and designed to minimize negative impacts on existing conforming uses and adjacent neighborhoods consistent with Countywide Plan Policy LU-2.1.
- Provide new sidewalks along Yorba Avenue westerly right-of-way and Francis Avenue northerly right-of-way to increase pedestrian facilities and create a walkable and bikeable environment.
- Ensure new residential development includes adequate open space and high-quality recreational amenities onsite for future residents.

3. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The FEIR includes the Draft Environmental Impact Report (Draft EIR) dated December 2021, written comments on the Draft EIR that were received during the public review period, written responses to those comments, and changes to the Draft EIR. In conformance with CEQA and the State CEQA Guidelines, the County of San Bernardino conducted an extensive environmental review of the Yorba Villas Residential Project, including the following:

- Completion of the Notice of Preparation (NOP), which was released for an initial 30-day public review period from June 1, 2021, through July 5, 2021. The NOP was posted at the San Bernardino County Clerk office on June 1, 2021. The notice was mailed to reviewing agencies and to county residents and owners within a 300-foot radius from the Project site. Copies of the Initial Study were made available for public review on the County’s website at: <http://cms.sbcounty.gov/lus/Planning/Environmental/Valley.aspx>. The NOP was not made available at physical locations due to the Governor’s Executive Order N-54-20.
- Completion of a scoping process, in which the public was invited by the County to participate. The scoping meeting for the EIR was held virtually on June 16, 2021, at 6:00 PM through Zoom, accessed through the following link: <http://cms.sbcounty.gov/lus/Planning/Environmental/Valley.aspx>.
- Preparation of a Draft EIR by the County, which was made available for a 47-day public review period (December 15, 2021, to January 31, 2022). The Draft EIR consisted of the analysis of the Yorba Villas Residential Project and appendices, including the NOP and responses to the NOP. The Notice of Availability (NOA) for the Draft EIR was sent to all property owners and occupants within a 300-foot radius from the Project site, all persons, agencies and organizations on the interest list interested persons, posted to the State Clearinghouse website for distribution to public agencies, and published in the San

Bernardino County Sun. The NOA was posted at the San Bernardino County Land Use Services Department's office on December 15, 2021. Copies of the Draft EIR were made available for public review at County of San Bernardino Land Use Services Department Office, Chino Branch Library, and was available for download via the County's website at <http://cms.sbcounty.gov/lus/Planning/Environmental/Valley.aspx>.

- Preparation of a Final EIR, including the Comments and Responses to Comments on the Draft EIR, occurred. The Final EIR/Response to Comments contains comments on the Draft EIR, responses to those comments, revisions to the Draft EIR, and appended documents. The Final EIR Response to Comments was released for a 10-day agency review period prior to certification of the Final EIR on XX, 2022.
- Public hearings were held for the proposed Project, including a Planning Commission hearing and a Board of Supervisors Hearing.
 - A notice of the Planning Commission hearing for the Project was mailed on July 27, 2022 to all property owners of record within a 300-foot radius from the Project site and all individuals that requested to be notified, and posted at the site and at the San Bernardino County Land Use Services Department's office, as required by established public hearing posting procedures. A notice of the Planning Commission hearing was also published in the San Bernardino County Sun on August 2, 2022.
 - A notice of the Board of Supervisors hearing for the Project was mailed on XX, 2022 to all property owners of record within a 300-foot radius from the Project site and all individuals that requested to be notified. A notice for the Board of Supervisors hearing was posted at the site and at the San Bernardino County Land Use Services Department's office as required by established public hearing posting procedures. Additionally, notice for the Board of Supervisors hearing was published in the San Bernardino County Sun on XX, 2022.

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed Project consists of the following documents and other evidence, at a minimum:

- The Initial Study and NOP and all other public notices issued by the County in conjunction with the proposed Project;
- The Final EIR (includes Draft EIR) for the proposed Project;
- All written comments submitted by agencies and members of the public during the public review comment periods on the Draft EIR;
- All responses to written comments submitted by agencies and members of the public during the public review comment period on the Draft EIR;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in the Response to Comments of the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Final EIR;
- The Ordinances and Resolutions adopted by the County in connection with the proposed Project, and all documents incorporated by reference therein;

- Matters of common knowledge to the County, including but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The documents and other material that constitute the record of proceedings on which these findings are based are located at the County of San Bernardino Land Use Services Department Office at 385 North Arrowhead Avenue, 1st Floor, San Bernardino, CA 92415. The custodian for these documents is the County of San Bernardino. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

4. FINDINGS FOR ENVIRONMENTAL EFFECTS WHICH WERE DETERMINED NOT TO BE SIGNIFICANT

Based upon the Initial Study prepared for the Project, the County determined that the Project would have no impact or a less than significant impact on the following environmental topic areas and that no further, detailed analysis of these topics was required in the EIR:

- | | |
|----------------------------------|--------------------------|
| • Agriculture & Forest Resources | • Population and Housing |
| • Air Quality | • Public Services |
| • Energy | • Transportation |
| • Greenhouse Gas Emissions | • Utilities |
| • Mineral Resources | • Wildfire |

The evidence in support of the finding that the Project will not have a significant impact on these environmental topic areas are set forth in the Draft EIR which is incorporated by reference.

For those environmental impacts that were analyzed in the Draft EIR, the County determined, based upon the CEQA threshold criteria for significance, that the Project would have no impact or a less than significant impact to the following environmental topic areas, and that no mitigation measures were required. This determination is based upon the environmental analysis in the Draft EIR and the comments received on the Draft EIR. No substantial evidence was submitted to or identified by the County which indicated that the Project would result in a significant impact related to the following.

Aesthetics

Impact Finding: The Project would not conflict with applicable zoning and other regulations governing scenic quality (Draft EIR Page 5.1-5).

Facts in Support of Findings:

Countywide Plan: The Project proposes a Policy Plan Amendment to change the site's current land use designation from Very Low Density Residential (VLDR), which allows development of up to 2 dwelling units per acre, to Low Density Residential (LDR, which allows up to 5 dwelling units per acre. The Project proposes to develop 45 new single-family residences, resulting in a density

of 3.75 units per acre. The Project proposes lots ranging in size from 7,861 SF to 13,838 SF. The proposed Low Density Residential designation would be compatible with the surrounding single-family, residential uses which have a land use designation of VLDR. Although the proposed Low Density Residential designation allows for development of residential uses to a maximum density of 5 dwelling units per acre compared to the VLDR of 2 dwelling unit per acre, the surrounding land uses include similar size lots ranging from multiple units per lot to the east of Yorba Avenue, 16,400 SF lots to the south of Francis Avenue, lots averaging 7,500 SF to the southeast, and 20,000 SF to 30,000 SF lots to the west.

Zoning: The Project site is currently zoned Single Residential 1-Acre Minimum (RS-1), which allows a density of 1 dwelling unit per acre. The proposed Project includes a Zoning Amendment to change the designation from RS-1 to Single Residential (RS) which allows for 4 units per acre. With approval of a planned development permit, the proposed Project is consistent with the RS development standards.

Overall, the Project is located within an urbanized area and would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, impacts would be less than significant. In addition, as the Project would utilize the vacant land and develop single-family housing, which is consistent with the land uses adjacent to the site, the Project would increase the visual cohesion between the Project site and the surrounding single-family residential area. Hence, the proposed Project would not degrade the visual character of the Project site and surrounding area; and impacts would be less than significant.

Impact Finding: The Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area (Draft EIR Page 5.1-9).

Facts in Support of Findings:

The Project site is largely undeveloped and does not contain lighting sources. The proposed Project would include installation of new lighting sources on the Project site, including exterior lighting for streetlights, residential security lighting, walkways lighting, and interior lighting, which could be visible through windows to the outside and headlights from vehicles. In addition, the Project would result in additional vehicular trips after sunset, which would temporarily and intermittently increase lighting in the street corridor and may affect existing residences that are adjacent to the streets. However, the lighting from vehicle headlights is focused on a downward trajectory and would be intermittent. Therefore, impacts related to lighting would be less than significant.

Glare in the Project vicinity is generated by building and vehicle windows reflecting light. However, there are no substantial buildings or structures near the Project site that presently generate substantial glare since most of the buildings are limited to one-story structures that are constructed of non-reflective materials and are not surfaced with a substantial number of windows adjacent to one another that would create a large reflective area.

The exterior of the proposed residences would be finished in a palette of earth-toned colors, and consist of stucco with cement roof tiles, which are not reflective surfaces. Additionally, installation of outdoor lighting would be required to meet the requirements in Section 83.07.030, Glare and Outdoor Lighting, in the County's Development Code, which would reduce the potential to generate glare from new lighting fixtures. As a result, the proposed Project would not create a substantial source of glare, and impacts would be less than significant.

Biological Resources:

Impact Finding: The Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Draft EIR Page 5.2-8).

Facts in Support of Finding: The General Biological Resources Assessment and Biological Assessment Update identified that the Project site is highly disturbed and that no special status vegetation types were identified on the Project site. In addition, no potentially suitable habitat for special status plant species was identified onsite. Multiple special status wildlife species are known to exist in the region; however, no potentially suitable habitat exists on the Project site to support these species. A habitat assessment for burrowing owl was conducted on July 13, 2021, in accordance with the CDFW Staff Report on Burrowing Owl Mitigation, due to the potential for the site to provide suitable foraging habitat for burrowing owl. Although evidence of ground squirrels is present within the Project area, no suitable burrows or burrowing owl sign were observed within the Project site during the field surveys. Due to the high level of disturbance and lack of suitable burrows on the site, the habitat assessment concluded that there is no habitat for burrowing owl on the Project site. Thus, impacts related to special status species, including burrowing owl, would not occur from implementation of the proposed Project.

Impact Finding: The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Draft EIR Page 5.2-8).

Facts in Support of Findings: The Project site consists of solely upland areas that do not contain any drainages, vernal pools, wetland habitats, creeks, or rivers. The Project site does not contain any riparian habitat, jurisdictional streambed or wetland areas, or sensitive natural community identified by USFWS or CDFW. Thus, impacts to these resources would not occur from implementation of the proposed Project.

Impact Finding: The Project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, and coastal) through direct removal, filling, hydrological interruption, or other means (Draft EIR Page 5.2-9).

Facts in Support of Findings: The Project site consists solely of upland areas that do not contain any drainages, creeks, rivers, or other wetland areas. The Project site does not contain any jurisdictional areas that would be subject to Section 404 of the Clean Water Act, and the proposed Project does not involve any hydrological interruption of any existing water resources. Thus, impacts to federally protected wetlands, as defined by Section 404 of the Clean Water Act, would not occur from implementation of the proposed Project.

Impact Finding: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Draft EIR Page 5.2-10).

Facts in Support of Findings: The Tree Preservation Report (Appendix C) prepared for the Project site in January 2021 concluded that there are no protected trees onsite that are subject to regulation by the County of San Bernardino Development Code. In addition, the Project includes landscaping that would replace the removed trees with new trees, as required by the Development

Code, and would install other plant species to provide uniform vegetation on the Project site and meet Low Impact Development (LID) standards. Compliance with the Development Code standards would be verified through the County's standard development permitting process. Thus, impacts related to conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, would be less than significant.

Regulatory Requirements:

PPP BIO-1: The Project shall comply with Chapter 88.01 Plant Protection and Management of the Development Code prior to removing any trees located on the Project site.

Hydrology and Water Quality

Impact Finding: The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality (Draft EIR Page 5.6-8).

Facts in Support of Finding:

Construction: The Project would involve demolition, excavation and construction activities that would expose and loosen sediment and building materials, which have the potential to mix with stormwater and urban runoff and degrade surface and receiving water quality. Additionally, construction generally requires the use of heavy equipment and construction-related materials and chemicals that could be accidentally spilled or improperly disposed of during construction activities and could therefore pollute surface waters or groundwater, resulting in a significant impact to water quality. These types of water quality impacts during construction of the Project would be prevented through the requirements of the National Pollutant Discharge Elimination System (NPDES) stormwater permit (NPDES Permit No. CAS618036 renewed under Regional Water Quality Control Board (RWQCB) Order R8-2010-0036 for San Bernardino County), which establish minimum stormwater management requirements and controls that are required to be implemented for construction of the proposed Project, including preparation of a storm water pollution prevention plan (SWPPP) by a Qualified SWPPP Developer (QSD), which is included as plan, program, or policy (PPP) HYD-1 and GEO-2. Adherence to the existing requirements and implementation of the appropriate Best Management Practices (BMPs) that are required by the County's permitting process and included as PPP HYD-1, would ensure that potential water quality degradation associated with construction activities would be minimized, and impacts would be less than significant.

Operation: Potential pollutants associated with the proposed residential uses include various chemicals from cleaners, pathogens from pet wastes, nutrients from fertilizer, pesticides and sediment from landscaping, trash and debris, and oil and grease from vehicles. If these pollutants discharge into surface waters, it could result in degradation of water quality. The Chino Creek Reach 1B and the Newport Slough, to which the Project site drains, are currently listed as impaired on the EPA's 303(d) list for various pollutants. Therefore, additional pollutant discharge could create new, or exacerbate existing impairments within these waterbodies, which could result in a significant impact related to water quality.

However, operation of the proposed Project would be required to comply with the requirements of the Santa Ana RWQCB MS4 Permit, which requires the Project to develop a project-specific Water Quality Management Plan (WQMP) (included as PPP HYD-2) that would include implementation of operational low-impact development (LID) infrastructure and non-structural,

structural, and source control and treatment control BMPs to protect surface water quality. A Preliminary WQMP has been developed (included as Appendix H) and recommends various post construction BMPs to be incorporated into the Project. The final WQMP is required to be approved prior to the issuance of a building or grading permit.

Implementation of the WQMP pursuant to the existing regulations would ensure that operation of the proposed Project would not violate any water quality standards, waste discharge requirements, or otherwise degrade water quality; and impacts would be less than significant.

Regulatory Requirements:

PPP HYD-1: National Pollutant Discharge Elimination System (NPDES). Projects will be constructed in accordance with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, NPDES No. CAS000002. Compliance requires a risk assessment, a SWPPP, and associated BMPs.

PPP HYD-2: Santa Ana RWQCB MS4 Permit. Projects will be constructed and operated in accordance with the Santa Ana RWQCB Municipal Stormwater (MS4) Permit for the part of the Santa Ana Basin in San Bernardino County in 2010 (Order No. R8-2010-0036). The MS4 Permit requires new development and redevelopment projects to adopt a WQMP to:

- Control contaminants into storm drain systems
- Educate the public about stormwater impacts
- Detect and eliminate illicit discharges
- Control runoff from construction sites
- Implement BMPs and site-specific runoff controls and treatments

Impact Finding: The Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the Basin (Draft EIR Page 5.6-11).

Facts in Support of Finding: The proposed Project would include two drainage conveyance systems. The northern offsite tributary storm flows would be collected along the northern boundary of the Project and would be conveyed in a private storm drainpipe which would include an outlet onto Francis Avenue at the southwest corner of the Project curb outlet drain. The in-tract storm flows would be collected in a second private drainpipe system and conveyed to the detention basin at the southeast corner of the Project site which would both detain 2-year stormwater flows and percolate first flush stormwater into the onsite soils. As described by the Project's Hydrology Report and preliminary WQMP, the storm drains and underground infiltration chambers have been designed to capture and filter the existing volume of water that infiltrates the existing Project site. In addition, the Project would mitigate the 2-year onsite storm flow and detain the 100-year storm flows to 80 percent of undeveloped conditions in consistency with the County's NPDES permit requirements. Therefore, the Project would not substantially interfere with groundwater recharge, and impacts would be less than significant.

Impact Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site (Draft EIR Page 5.6-12).

Facts in Support of Finding: The Project site does not include, and is not adjacent to, a stream or river. Implementation of the Project would not alter the course of a stream or river. The existing drainage pattern through the site is a north-south sheet flow to Francis Avenue. There is no existing storm drain system near the Project site. The proposed Project would divert offsite stormwater that currently flows through the Project site, to flow through a storm drainage system and a standard County curb outlet structure onto Francis Avenue, which would not generate erosion. Therefore, impacts would be less than significant.

Regulatory Requirements:

PPP HYD-1: National Pollutant Discharge Elimination System (NPDES). As listed previously.

PPP HYD-2: Santa Ana RWQCB MS4 Permit. As listed previously.

Impact Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site (Draft EIR Page 5.6-14).

Facts in Support of Finding: The Project site does not include, and is not adjacent to, a stream or river. Implementation of the Project would not alter the course of a stream or river.

Construction: Construction of the proposed Project would require demolition of the existing building structures, including foundations, floor slabs, and utilities systems. These activities could temporarily alter the existing drainage pattern of the site and could result in flooding onsite or offsite if drainage is not properly controlled. However, as described previously, implementation of the Project requires a SWPPP (included as PPP HYD-1 and PPP GEO-2) that would address site specific drainage issues related to construction of the Project and include BMPs to eliminate the potential of flooding or alteration of a drainage pattern during construction activities.

Operation: The proposed Project would increase impervious surfaces that would result in an increase of the 2-year, 24-hour storm volume. The Project would manage the increased onsite runoff flows through detention and infiltration facilities as described in Draft EIR Table HWQ-1. The detention and water quality basin would infiltrate and detain the first flush stormwater. The storm drains and underground infiltration chambers have been designed to capture and filter the existing volume of water that infiltrates the existing Project site. At the time of large flows, the stormwater would gravity flow through a standard County curb outlet structure onto Francis Avenue.

Additionally, as part of the permitting approval process, the proposed drainage design and engineering plans would be reviewed by the County's Engineering Division to ensure that the proposed drainage would accommodate the appropriate design flows. Overall, the proposed drainage system and adherence to the existing MS4 permit regulations would ensure that Project impacts related to alteration of a drainage pattern or flooding from operational activities would be less than significant.

Regulatory Requirements:

PPP HYD-1: National Pollutant Discharge Elimination System (NPDES). As listed previously.

PPP GEO-2. As listed previously.

Impact Finding: The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (Draft EIR Page 5.6-15).

Facts in Support of Finding: The Project site does not include, and is not adjacent to, a stream or river. Implementation of the Project would not alter the course of a stream or river.

Construction: Construction of the proposed Project would require demolition and excavation activities that could temporarily alter the existing drainage pattern of the site and could result in increased runoff and polluted runoff if drainage is not properly controlled. Implementation of the Project requires a SWPPP (included as PPP HYD-1 and GEO-2) that would address site specific pollutant and drainage issues related to construction of the Project and include BMPs to eliminate the potential of polluted runoff and increased runoff during construction activities.

Operation: As part of the permitting approval process, the proposed drainage design and engineering plans would be reviewed by the County's Engineering Division to ensure that the proposed drainage would accommodate the appropriate design flows. Additionally, the County permitting process would ensure that the drainage system specifications adhere to the existing MS4 permit regulations, which would ensure that pollutants are removed prior to discharge. Overall, with compliance to the existing regulations as verified by the County's permitting process, Project impacts related to the capacity of the drainage system and polluted runoff would be less than significant.

Regulatory Requirements:

PPP HYD-1: National Pollutant Discharge Elimination System (NPDES). As listed previously.

PPP GEO-2. As listed previously.

Impact Finding: The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (Draft EIR Page 5.6-16).

Facts in Support of Finding: The hydrologic features of the proposed Project have been designed to slow, filter, and retain stormwater within a landscaping and infiltration basin on the Project site, which would aid in managing groundwater and water quality. Furthermore, pursuant to County Development Code Section 35.0118, implementation of the Project requires a WQMP, which has already been prepared for the proposed Project, and is included as PPP GEO-3.

The proposed Project is located within the Santa Ana River watershed, and under the jurisdiction of the Santa Ana RWQCB, which sets water quality standards for all ground and surface waters within its region. Water quality standards for all ground and surface waters overseen by the Santa Ana RWQCB are documented in its Basin Plan, and the regulatory program of the Santa Ana RWQCB is designed to minimize and control discharges to surface and groundwater, largely through permitting, such that water quality standards are effectively attained. The Project has been designed in compliance with the Basin Plan. Thus, Project impacts involving conflict with,

or obstructing implementation of, a water quality control plan or sustainable groundwater management plan would be less than significant.

Regulatory Requirements:

PPP GEO-3: Prior to grading permit issuance, the Project developer shall have a Water Quality Management Plan (WQMP) approved by the County for implementation. The Project shall comply with the County's Development Code Section 85.11.030 and the Municipal Separate Storm Sewer System (MS4) permit requirements in effect for the RWQCB at the time of grading permit to control discharges of sediments and other pollutants during operations of the Project.

Land Use and Planning

Impact Finding: The Project would not cause significant environmental impacts due to conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect (Draft EIR Page 5.7-5).

Facts in Support of Finding:

Southern California Association of Governments Regional Transportation Plan/Sustainable Communities Strategy Policies: SCAG's RTP/SCS policies focus largely on regional transportation and the efficiency of transportation, which are not directly applicable to the Project. As shown in Draft EIR Table 5.7-1, the Project would not conflict with the adopted RTP/SCS. Therefore, implementation of the Project would not result in conflict with SCAG policies, and impacts would not occur.

Countywide Plan Land Use Consistency: Implementation of the proposed Project would require a Policy Plan Amendment to change the land use designation from Very Low Density Residential (VLDR) to Low Density Residential (LDR) to allow for an increase in density and a Zoning Amendment to change the zoning from RS-1 (Single Residential 1-Acre Minimum) to RS (Single Residential). The General Plan Land Use Element states that LDR includes single-family residential uses and Public and quasi-public facilities such as parks, religious facilities, schools, sheriff's stations, and fire stations.

The Project would not result in a land use inconsistency. Rather, developing 45 single-family residences similar to the existing surrounding areas would create a cohesive neighborhood. Furthermore, the proposed land use designation change from VLDR to LDR would not conflict with a policy or plan adopted for the purpose of avoiding or mitigating an environmental effect.

San Bernardino Countywide Plan Policies: The proposed Project has been prepared in conformance with the goals and policies of the County of San Bernardino Countywide Plan. Draft EIR Table 5.11-2 lists the General Plan policies that are applicable to the proposed Project and were adopted for the purpose of avoiding or mitigating an environmental effect. The table evaluates the Project's compliance with each policy. As described, the proposed Project would be consistent with all applicable General Plan policies.

County Development Code: The proposed Project includes a Zoning Map Amendment that would change the existing zoning designation from RS-1 (Single Residential 1-Acre Minimum) to RS (Single Residential) to implement the proposed residential Project. The RS zone is designated for

single-family residential uses with a maximum density of 4 units per acre. The proposed Project consists of development of 45 single-family residences. Although the density of the residences exceeds the allowed density by the existing RS-1 zone, with implementation of the proposed zone change to the RS zoning designation, the proposed Project would not conflict with the zoning code.

The proposed Project would create an attractive, cohesive residential community through the three architectural styles to be provided including Spanish Colonial, California Ranch, and Hacienda Ranch. In addition, landscaping throughout the site and the use of consistent building materials would provide architectural compatibility. As required by the Development Code, the proposed Project's development plans would be reviewed by the County to ensure consistency with development standards. Thus, impacts related to zoning would not occur from the proposed Project.

Noise

Impact Finding: The Project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (Draft EIR Page 5.8-10).

Facts in Support of Finding:

Construction: Noise generated by Project construction activities would result from a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and timing and duration of the construction activities. Noise levels generated by heavy construction equipment can range from approximately 74 dBA to 84 dBA when measured at 50 feet, as shown on Draft EIR Table 5.8-5. Through adherence to the limitation of allowable construction times provided in Section 83.01.080(g)(3) of the County Development Code, construction-related noise levels would not exceed any standards established in the Countywide Plan nor would construction activities create a substantial temporary increase in ambient noise levels from construction of the proposed Project. However, construction noise would not exceed the FTA threshold of 80 dBA Leq. Therefore, construction noise impacts would be less than significant.

Operation: Potential noise impacts associated with the operations of the proposed Project would be from Project-generated vehicular traffic on the nearby roadways. In addition, the proposed development would be adjacent to Francis Avenue and Yorba Avenue, which may create exterior and interior noise levels in excess of County standards at the Project proposed homes. The proposed Project is anticipated to generate 425 daily trips which were added to Francis Avenue for the Project conditions. Draft EIR Table 5.8-7 shows that these vehicular trips would result in a 0.5 dBA noise level increase, which is below the 3 dBA noise level threshold that was the roadway noise threshold utilized in the Countywide Plan EIR. Therefore, impacts would be less than significant.

The proposed Project's potential offsite traffic noise impacts have been calculated through a comparison of the future year 2035 scenario to the future year 2035 with Project scenario. The results of this comparison are shown in Draft EIR Table 5.8-8. The proposed Project would not exceed the 3 dBA noise level threshold. Thus, off-site traffic noise impacts in the 2035 plus Project condition would be less than significant.

The Noise Impact Analysis determined that the exterior noise levels at the Project's proposed residences would range from 43 to 51 dBA CNEL which would not exceed the County Development Code standard of 60 dBA CNEL as shown in Table 5.8-9. The interior noise levels were analyzed by the Noise Impact Analysis to identify if the interior noise would exceed the Municipal Code Standard interior noise level standard of 45 dBA CNEL. As shown in Draft EIR Table 5.8-9, the interior noise levels at the proposed homes would range from 43-51 dBA with the proposed 6-foot walls. Thus, the proposed Project would be below the County's exterior and interior noise standards. Therefore, impacts related to exterior and interior noise would be less than significant.

Impact Finding: The Project would not result in generation of excessive groundborne vibration or groundborne noise levels (Draft EIR Page 5.8-14).

Facts in Support of Finding:

Construction: Vibration impacts from construction activities associated with the proposed Project would typically be created from the operation of heavy off-road equipment. The nearest sensitive receptor to the Project site is a single-family home located approximately 15 feet to the north of the Project site. Section 83.01.090 of the County's Development Code restricts the creation of vibration which produces a particle velocity greater than 0.2 inch-per-second PPV. The primary source of vibration during construction would be from the operation of a bulldozer. As shown in Draft EIR Table 5.8-10 below, a large bulldozer would create a vibration level of 0.089 inch per second PPV at 25 feet. Based on typical propagation rates, the vibration level at the nearest offsite home (15 feet to north) would be 0.156 inch per second PPV. The vibration level at the nearest offsite home would be below the County's 0.2 inch per second PPV threshold. Thus, impacts related to construction vibration would be less than significant.

Operation: The ongoing operation of the proposed Project would not include the operation of any known vibration sources other than typical onsite vehicle operations for a residential development. Therefore, impacts related to operational vibration would be less than significant.

Tribal Cultural Resources

Impact Finding: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) (Draft EIR Page 5.9-5).

Facts in Support of Finding: The County sent letters to 6 Native American representatives identified by Native American Heritage Commission (NAHC), notifying them of the proposed Project in accordance with SB 18 and AB 52. Formal consultation was not conducted with the Native American representatives as no requests for consultation with the County's per AB 52 and SB 18 were received.

The Project site was historically used for agriculture and residential uses and does not contain any historic resources. The most recent building demolition activities were permitted and

authorized by the City of Chino. The Project site currently does not contain any buildings. The site contains concrete slabs from former residences, which are not considered a historic resource. In addition, there are no previously recorded cultural resources within a 0.5-mile of the Project site. Furthermore, no information regarding known or potential tribal cultural resources (TCRs) in the Project vicinity was received during the SB 18 and AB 52 consultation period. Thus, the Project site does not contain any historic resources eligible for listing in the California Register of Historical Resources, or as defined in Public Resources Code Section 5020.1(k) or TCRs; and impacts related to TCRs would not occur from implementation of the proposed Project.

5. FINDINGS FOR IMPACTS MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The following potentially significant environmental impacts were analyzed in the Draft EIR, which determined that project design features, compliance with existing laws, codes and statutes, regulatory requirements, and implementation of the identified feasible mitigation measures would reduce potentially significant impacts to a level of less than significant. The County has found in accordance with CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1) that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment,” which is referred to herein as “Finding 1”.

Where the potential impact can be reduced to less than significant solely through adherence to and implementation of project design features, standard conditions, and plans, programs, or policies, these measures are considered “incorporated into the project,” which mitigate or avoid the potentially significant effect, and in these situations, the County also makes “Finding 1” even though no mitigation measures are required.

Biological Resources

Impact Finding: The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites (Draft EIR Page 5.2-9).

The County hereby makes Finding 1 and determines that this impact is Less Than Significant with implementation of mitigation measures.

Facts in Support of Finding: The Project site contains ornamental trees that could be used by nesting bird species. Therefore, impacts related to nesting birds could occur if site development activities are during the avian breeding season (typically February 15 through September 15). Any activities that occur during the nesting/breeding season of birds protected by the federal Migratory Bird Treaty Act (MBTA), could result in a potentially significant impact if requirements of the MBTA are not followed. Implementation of Mitigation Measure BIO-1 would ensure MTBA compliance and would require a nesting bird survey to be conducted prior to the commencement of construction during nesting season, which would reduce potential impacts related to nesting avian species and native wildlife nursery sites to a less than significant level.

Mitigation Measures:

Mitigation Measure BIO-1: Nesting Birds. To the extent possible, construction activities (i.e., demolition, earthwork, clearing, and grubbing) within the Project site and offsite infrastructure

areas, shall occur outside of the general bird nesting season for migratory birds, which is March 15 through August 31 for songbirds and January 1 through August 31 for raptors.

If construction activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird nesting season for migratory songbirds (March 15 through August 31) and raptors (January 1 to August 31), a qualified biologist shall perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA and California Fish & Game Code. The pre-construction survey shall be performed no more than three days prior to the commencement of construction activities. The results of the pre-construction survey shall be documented by the qualified biologist. If construction is inactive for more than seven days, an additional survey shall be conducted.

If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts within 300 feet (500 feet for raptors) of the active nest shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, or as determined by the qualified biologist. The biological monitor may modify the buffer or propose other recommendations in order to minimize disturbance to nesting birds.

Cultural Resources

Impact Finding: The Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (Draft EIR Page 5.3-9).

The County hereby makes Finding 1 and determines that this impact is Less Than Significant with implementation of mitigation measures.

Facts in Support of Finding: The records search conducted for the Project identified that 23 cultural resources investigations have been previously completed within a 1-mile radius of the Project site, but none including the Project site. The results of the previous investigations did not identify any previously recorded cultural resources within a 0.5-mile of the Project site; however, five previously identified archaeological or historical resources are located within one mile of the Project site. The Project site has been highly disturbed from various past uses. The previous development involved excavations related to installation and removal of septic systems, water lines, and other utility infrastructure. As a result, the potential for archaeological resources exists on site are low. However, Mitigation Measure CUL-1 has been included to ensure that the proper procedures would occur upon an inadvertent discovery of resources during ground-disturbing activities. With implementation of Mitigation Measure CUL-1, impacts would be less than significant.

Mitigation Measures:

Mitigation Measure CUL-1: Archaeological Resources. Prior to the issuance of the first grading permit, the Applicant shall provide a letter to the County of San Bernardino Planning Division, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologist has been retained to provide on-call services in the event archeological resources are discovered. The archeologist shall be present at the pregrading conference to establish procedures for archeological resource surveillance. In the event a previously unrecorded

archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the County shall be immediately notified. The archeologist shall be contacted to flag the area in the field and shall determine, in consultation with the County and the Gabrieleño Band of Mission Indians Kizh-Nation, if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)). If the find is considered a “resource” the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the County and the Gabrieleño Band of Mission Indians Kizh-Nation. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C). If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the developer/applicant’s expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archaeologist. Resources shall be identified and curated into an established accredited professional repository. The archaeologist shall have a repository agreement in hand prior to initiating recovery of the resource. Excavation as a treatment option will be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the Project.

Geology and Soils

Impact Finding: The Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Draft EIR Page 5.4-10).

The County hereby makes Finding 1 and determines that this impact is Less Than Significant with implementation of mitigation measures.

Facts in Support of Finding:

Unique Geologic Feature: There are no unique geological features in the Project vicinity. As such, development of the Project would not result in impacts to unique geologic features.

Paleontological Resources: Record searches completed for the proposed Project indicate that surface deposits consist of younger Quaternary alluvium. These younger Quaternary deposits typically do not contain significant vertebrate fossils in the uppermost layers, but they are usually underlain by older Quaternary alluvium that may contain significant fossil vertebrate remains five feet below the ground surface. Two fossil localities were discovered in similar deposits near the Project site. Therefore, grading and other earthmoving activities may have the potential to impact unknown paleontological resources. Although, Project excavation is anticipated to reach a maximum depth of five-feet, Mitigation Measure GEO-1 is included to require preparation of a paleontological resource monitoring plan that requires spot checks if excavation reaches or exceeds depths of five feet, provides procedures to follow for monitoring and fossil discovery, and requires a curation agreement with an appropriate, accredited institution. With implementation of Mitigation Measure GEO-1, impacts related to paleontological resources would be less than significant.

Mitigation Measures:

Mitigation Measure GEO-1: Paleontological Resources. Prior to the issuance of the first grading permit, the Applicant shall provide a letter to the County of San Bernardino Planning Division, or designee, from a paleontologist selected from the roll of qualified paleontologists maintained by the County, stating that the paleontologist has been retained to provide services for the Project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite for the review and approval by the County. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall also require periodic paleontological spot checks if excavation reaches or exceeds depths of five feet in areas mapped as Quaternary alluvium.

In the event paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.

Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by Project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage, and treatment shall be done at the Applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.

Hazards and Hazardous Materials

Impact Finding: The Project would not create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous material (Draft EIR Page 5.5-18).

The County hereby makes Finding 1 and determines that this impact is Less Than Significant with implementation of mitigation measures and regulatory requirements.

Facts in Support of Finding:

Construction: The proposed construction activities would involve the routine transport, use, and disposal of hazardous materials such as paints, solvents, oils, grease, and caulking during construction activities. In addition, hazardous materials would routinely be needed for fueling and servicing construction equipment on the site. These types of materials are not acutely hazardous, and all storage, handling, use, and disposal of these materials are regulated by federal and state regulations that are implemented by the County of San Bernardino during building permitting for construction activities. As a result, hazardous material impacts related to construction materials would be less than significant.

The Project site contains soils contaminated with organochlorine pesticides (OCPs) and dieldrin that would require excavation and disposal as part of excavation and grading activities. The contaminated soils would need to be excavated and removed during Project excavation and grading activities as required by DTSC, California Integrated Waste Management Board, and the RWQCB. Due to the existence of the contaminated soils and excavation activities that would occur during Project construction, implementation of the proposed Project has the potential to result in a hazard to the public or environment.

Pursuant to the Phase I and Phase II Environmental Site Assessment, the Project would require excavation of contaminated soils to approximately 5 feet below the existing ground surface in areas identified as LB30, LB43, LB48, LB49, and LB52 on Draft EIR Figure 5.5-1. As a result, Mitigation Measure HAZ-1 would be implemented to reduce the potential risks related to accidental release and exposure of people and the environment to the contaminated soils. With implementation of Mitigation Measure HAZ-1, impacts related to hazards from contaminated soils would be less than significant.

Operation: Operation of the proposed Project would include activities related to residential development, which generally would use hazardous materials including solvents, cleaning agents, paints, pesticides, batteries, and aerosol cans. Although residents of the Project would utilize common types of hazardous materials generally classified as household hazardous waste, normal routine use of these products would not result in a significant hazard to residents or workers in the vicinity of the Project. Therefore, operation of the proposed Project would not result in a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous waste during operation of the proposed Project. Impacts would be less than significant.

Mitigation Measures:

Mitigation Measure HAZ-1: Site Management Plan. Prior to issuance of a grading permit, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant and shall detail procedures and protocols for excavation and disposal of onsite hazardous materials, including:

- A certified hazardous waste hauler shall remove all potentially hazardous soils. Excavation of contaminated soils shall be to the depth of approximately 5 feet below the existing ground surface in areas identified in the Phase I and Phase II Environmental Site Assessment (Tetra Tech 2016). In addition, sampling of soil shall be conducted during excavation in the southern and western portions of the site, in areas identified in the Phase I and Phase II Environmental Site Assessment (Tetra Tech 2016), to ensure residential Regional Screening Levels are not exceeded. Excavated materials shall be transported per California Hazardous Waste Regulations to a landfill permitted by the state to accept hazardous materials.
- Any subsurface materials exposed during construction activities that appear suspect of contamination, either from visual staining or suspect odors, shall require immediate cessation of excavation activities. Soils suspected of contamination shall be segregated from other soils to be tested for potential contamination. If contamination is found to be present per Environmental Screening Levels (ESLs), any further proposed

groundbreaking activities within areas of identified or suspected contamination shall be conducted according to California Hazardous Waste Regulations.

- A Health and Safety Plan (HSP) shall be prepared for each contractor that addresses potential safety and health hazards and includes the requirements and procedures for employee protection. The HSP shall also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.
- All SMP measures shall be printed on the construction documents, contracts, and Project plans prior to issuance of grading permits.

Impact Finding: The Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment (Draft EIR Page 5.5-19).

The County hereby makes Finding 1 and determines that this impact is Less Than Significant with implementation of mitigation measures and regulatory requirements.

Facts in Support of Finding:

Construction: Improper use, storage, transportation and disposal of hazardous materials and wastes could result in accidental spills or releases, posing health risks to workers, the public, and the environment. Thus, implementation of the proposed Project could potentially result in the accidental release of hazardous materials such as chemical products typically used in construction as fuels, oils, etc. The use of BMPs during construction, implemented as part of a Stormwater Pollution Prevention Plan (SWPPP) as required by the National Pollution Discharge Elimination System General Construction Permit (and included as PPP HYD-1), would minimize potential adverse effects to workers, the public, and the environment.

Contaminated soils: The Phase I and Phase II ESA prepared for the Project site identified that onsite soils contain concentrations of organochlorine pesticides, including: 4,4'-DDE, 4,4'-DDT, and dieldrin that exceed Regional Screening Levels in shallow soils throughout the southwestern portion of the site (shown in Draft EIR Figure 5.5-1). In addition, concentrations of dieldrin were found to exceed Regional Screening Levels along the southern and western portions of the site. Due to the existence of the contaminated soils, implementation of the proposed Project has the potential to result in the accidental release of hazardous materials into the environment. As a result, Mitigation Measure Haz-1 would be implemented to reduce the potential risks related to accidental release and exposure of people and the environment to the contaminated soils. With implementation of existing regulations and Mitigation Measure HAZ-1, impacts related to contaminated soils would be less than significant.

Septic systems: Two septic systems were identified on the Project site during the Phase I and Phase II investigation. The septic systems were determined not to be a hazardous materials concern; however, removal and disposal of the tanks during construction of the Project would be required, pursuant to the permitting regulations and oversight of the San Bernardino County Division of Environmental Health Services. Compliance with applicable laws and regulations that would be required per the County's permitting process would ensure that impacts related to removal and disposal of the septic systems would be less than significant.

Undocumented Hazardous Materials: The Project site has a long history of various uses that includes use and storage of hazardous materials. As a result, there is the potential for undocumented hazardous material to exist onsite. However, the existing federal and state regulations related to hazardous materials and construction includes procedures to follow in the case hazardous materials are uncovered during construction activities. Thus, with implementation of existing regulations and Mitigation Measure HAZ-1, impacts related to upset or accident conditions involving the release of hazardous materials into the environment would be less than significant.

Operation: The risks related to upset or accident conditions involving the release of hazardous materials into the environment would be adequately addressed through compliance with existing federal, State, and local regulations. The Project involves the construction of residential uses that would use and store common hazardous materials such as paints, solvents, and cleaning products. Normal routine use of these products pursuant to existing regulations would not result in a significant hazard to the environment, residents, or workers in the vicinity of the Project. In addition, a WQMP is required to be implemented for the Project (as further discussed in Section 5.6, *Hydrology and Water Quality* and included as PPP HYD-1). The BMPs that would be implemented as part of the WQMP would protect human health and the environment should any accidental spills or releases of hazardous materials occur during operation of the Project.

Mitigation Measures:

Mitigation Measure HAZ-1: Site Management Plan (SMP). As listed previously.

Regulatory Requirements:

PPP HYD-1: National Pollutant Discharge Elimination System (NPDES). As listed previously.

Tribal Cultural Resources

Impact Finding: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, that considers the significance of the resource to a California Native American tribe (Draft EIR 5.16-8).

The County hereby makes Finding 1 and determines that this impact is Less Than Significant with implementation of mitigation measures.

Facts in Support of Finding: The Project site has been heavily disturbed. The proposed Project involves excavation; however, no substantial evidence exists that tribal cultural resources (TCRs) are present in the Project site. Although, no TCRs have been identified, the Gabrieleño Band of Mission Indians – Kizh Nation has previously requested Native American monitoring during ground disturbance and provided information on the proximity of known Native American village sites to the proposed Project area. To avoid potential adverse effects to undiscovered TCRs, Mitigation Measure TCR-1 has been included to provide for Native American resource sensitivity

training and to prescribe activities should any inadvertent discoveries of TCRs be unearthed by Project construction activities.

Additionally, California Health and Safety Code, Section 7050.5 requires that if human remains are discovered in the Project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation. If the coroner determines that the remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission. Therefore, with implementation of Mitigation Measure TCR-1 and the existing regulations, impacts to TCRs would be less than significant.

Mitigation Measures:

Mitigation Measure CUL-1: Archaeological Resources. As listed previously.

Mitigation Measure TCR-1: Prior to commencement of any excavation activities, or the issuance of a grading permit and/or action that would permit site disturbance (whichever occurs first), the Project developer/Applicant shall provide a letter to the County of San Bernardino Planning Division, or designee, and retain a Native American Monitor from the Gabrieleño Band of Mission Indians Kizh-Nation to:

- Provide on-call services to address unanticipated prehistoric or tribal resources. The Native American Monitor shall be present at the pre-grading conference to establish procedures for tribal cultural resource surveillance.
- Conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry, and the general steps the Monitor would follow in conducting a salvage investigation.
- Monitor all Project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils. The Native American Monitor(s) shall be present on-site during the construction phases that involve ground disturbing previously undisturbed native soils and shall complete monitoring logs on a daily basis. The logs shall provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. The on-site monitoring shall end when the Project site grading and excavation activities of previously undisturbed native soils are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for tribal cultural resources. (**HAZWOPER certification is needed only if the site has hazardous concerns related to Mitigation Measure HAZ-1).
- Consult on unanticipated discovery of human remains and associated funerary objects:
 - Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated

funerary objects. If funerary objects are discovered during grading or archeological excavations, they shall be treated in the same manner as bone fragments that remain intact and the construction contractor and/or qualified archeologist shall consult with the Gabrieleno Band of Mission Indians – Kizh Nation (Tribe).

- As specified by California Health and Safety Code Section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside of working hours. If the remains are Native American, the Tribe shall make every effort to recommend diverting the Project and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials shall be removed and the Project applicant/developer shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects, if possible. The Tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure complete recovery of all material. If the discovery of human remains includes 4 or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The Project developer/Applicant shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.
- Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project site but at a location mitigated between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

6. FINDINGS FOR GROWTH INDUCEMENT

Section 15126.2(e) of the State CEQA Guidelines requires the EIR to address the growth-inducing impact of the Project. Draft EIR Section 5.10 evaluates the potential for the Project to affect economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

Employment Related Growth

The proposed Project would redevelop the Project site to provide 45 single-family residences in a residentially zoned area. As discussed in Section 5.7, *Land Use and Planning*, the Project would create 172 temporary construction jobs. However, the Project would develop housing in an area designated for residential uses and would be consistent with historic uses of the site. Additionally, the proposed single-family residences would be adequately served by existing commercial services within the vicinity of the Project. Overall, the Project would provide housing and would not establish substantial new permanent employment opportunities or result in the need for additional housing, businesses, or services to support increased economic activities.

Infrastructure Obstacles to Growth

The proposed Project would induce growth if it would provide public services or infrastructure with excess capacity to serve lands that would otherwise not be developable or to expand the development potential of redevelopment areas.

The proposed Project would install new onsite infrastructure systems and upon approvals, would connect to existing offsite systems that currently have capacity to serve the Project area. The new onsite infrastructure would not provide additional capacity beyond what is needed to serve the proposed Project. In addition, development of the proposed Project would not result in an expansion of overall capacity, or extension of major infrastructure. Therefore, infrastructure improvements would not result in significant growth inducing impacts.

Impacts of Growth

The proposed Project site has been used for residential development since 1938 and is surrounded by single-family residences or areas planned for urban development. The proposed Project would involve a change to development regulations and would result in area specific population growth. However, the zoning and land use changes are parcel specific and would not result in growth outside of the Project site, because the areas are either completely developed or planned for development in adopted land use plans. Changes to the Project site's land use and zoning designations would not result in removing an obstacle to growth within the Project vicinity.

In addition, based on the California Department of Finance data, with an estimate of 3.37 persons per household within San Bernardino County, the proposed Project would result in a net increase of approximately 152 new persons. Overall, the Southern California Association of Governments' (SCAG) 2019-2045 Population, Households, and Employment Projections household growth forecast from 2019 through 2045 for the County envisions an increase of 218,300 households, yielding an approximately 33% growth rate in households. The proposed Project would increase households in the County by approximately 0.02 percent of the projected increase in households for the County. Therefore, impacts related to growth from changes in existing regulations pertaining to land development would be less than significant.

7. FINDINGS FOR SIGNIFICANT IRREVERSIBLE EFFECTS

Section 15126.2(d) of the CEQA Guidelines requires that an EIR address significant irreversible environmental changes caused by the proposed Project should it be implemented. Generally, a project would result in significant irreversible environmental changes if one of the following scenarios is involved:

- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve a large commitment of nonrenewable resources;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The consumption of irretrievable commitments of resources is not justified (e.g., the project involves the wasteful use of energy).

The proposed Project would not result in or contribute to any of the significant environmental changes mentioned above. As discussed in the Initial Study prepared for the Project, the Project would not involve a large commitment of nonrenewable resources as impacts related to energy were less than significant and would not involve the wasteful use of energy or result in an irreversible damage from any potential environmental accidents associated with the Project. The Project would develop residential homes that would not involve the use of hazardous materials. The proposed development would incorporate energy-generating and conserving Project design features, including those required by the California Building Code, California Energy Code Title 24, which specify green building standards for new developments. In addition, the Project would not result in irreversible damages that could result from any potential environmental accidents as associated with the Project.

8. FINDINGS REGARDING ALTERNATIVES

State CEQA Guidelines (Section 15126.6 and subsections (a)-(f)) require consideration and discussion of alternatives to the proposed Project and are summarized as follows:

- The discussion of alternatives shall describe a range of reasonable alternatives to the Project, or to the location of the Project, that would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any significant effects of the Project and evaluate the merits of the alternatives.
- The discussion of alternatives shall focus on alternatives that are capable of avoiding or substantially lessening any significant effects of the Project, even if these alternatives would impede to some degree the attainment of the Project objectives, or would be more costly.
- The “No Project” alternative shall be evaluated along with its impact. The “No Project” analysis shall discuss the existing conditions at the time the environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the Project is not approved.
- The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to evaluate only those alternatives necessary to permit a reasoned choice. The

EIR need only discuss those alternatives that would feasibility attain most of the basic objectives of the Project.

- When taking into account alternative locations as a factor to address feasibility, only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR.
- An EIR need not consider an alternative if its effects cannot be reasonably ascertained and its implementation is remote and speculative.

Rationale for Selecting Potentially Feasible Alternatives

The alternatives must include a no-project alternative and a range of reasonable alternatives to the Project. State CEQA Guidelines Section 15126.6(f)(3) states that the range of alternatives required in an EIR is governed by a “rule of reason,” that:

requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making.

Among the factors that may be taken into account when addressing the feasibility of alternatives set forth in the State CEQA Guidelines Section 15126.6(f)(1)] are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to an alternative site (or the site is already owned by the proponent).” An EIR need not consider an alternative if its effects could not be reasonably identified and its implementation is remote or speculative. State CEQA Guidelines Section 15126.6(f)(3).

For purposes of this analysis, the Project alternatives are evaluated to determine the extent to which they attain the basic Project objectives, while significantly lessening any significant effects of the Project.

Alternatives Considered and Rejected

Alternate Site Alternative: An alternate site for the proposed Project was eliminated from further consideration. The Project Applicant is the owner of the Project site, and the Project site is underutilized in the existing condition. The Project objectives are to facilitate high-quality development that is compatible with the existing surrounding residential neighborhoods on underutilized parcels planned for residential development by providing 45 single-family homes and offsite roadway improvements along the Yorba Avenue westerly right-of-way and the Francis Avenue northerly right-of-way to increase pedestrian facilities and connectivity. CEQA specifies that the key question regarding alternative site consideration is “whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location.” State CEQA Guidelines Section 15126.6(f)(2)(A). Given the current location of the proposed Project and the Project objectives, it would likely be infeasible to develop and operate the Project on an alternative site with fewer environmental impacts. Additionally, this Draft EIR

determined that there are no significant and unavoidable impacts, and all potentially significant impacts of the Project can be mitigated to a less than significant level. Therefore, the Alternate Site Alternative was rejected from further consideration.

Subdivision and Zoning Map Amendment without Policy Plan Amendment Alternative: This alternative assumes that the site will be rezoned, subdivided and developed to be consistent with the Countywide Plan Land Use Designation, which allows up to 2 dwelling units per acre. This alternative would result in the development of 26 units. The Project under this alternative would also include 26 pre-constructed accessory dwelling units (ADU). As defined in Development Code Section 84.01.060, ADUs shall be permitted on any lot that contains a proposed or existing dwelling. In addition, they are not intended for sale separate from the primary residence but may be rented separately. Thus, this alternative would result in a total of 52 dwelling units which exceeds the proposed Project and would not reduce any significant and unavoidable impacts or eliminate the need for any mitigation measures as the site would be fully built out. Thus, this alternative would require similar mitigation and have similar impacts as the proposed Project. Therefore, the Zoning Map Amendment without the Policy Plan Amendment was rejected from further consideration.

Alternatives Selected for Analyses

The CEQA Guidelines indicate that, "An EIR shall describe a range of reasonable alternatives to the Project, or to the location of the Project, which could feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project and evaluate the comparative merits of the alternatives." State CEQA Guidelines Section 15126.6(a). The County of San Bernardino analyzed the following two alternatives:

- No Project/No Build Alternative
- Reduced Project/Buildout of Existing Land Use and Zoning Alternative

Alternative 1: No Project/No Build Alternative

Under this alternative, the proposed Project would not be approved, and no development would occur. The existing conditions of concrete slabs and scattered trees would remain. In accordance with the CEQA Guidelines, the No Project/No Build Alternative for a development Project on an identifiable property consists of the circumstance under which the Project does not proceed. Section 15126.6(e)(3)(B) of the CEQA Guidelines states that, "In certain instances, the no Project alternative means 'no build' wherein the existing environmental setting is maintained." In addition, the no Project alternative includes what would be reasonably expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services.

As the Project has been vacant within an urban area, it is reasonable to assume that the Project site would remain vacant with the existing conditions of concrete slabs and scattered trees throughout the site. Thus, this alternative compares impacts of the proposed Project with the existing conditions onsite. Accordingly, Alternative 1: No Project/No Build provides a comparison between the environmental impacts of the proposed Project in contrast to the result from not approving, or denying, the proposed Project. Thus, this alternative is intended to meet the requirements of CEQA Guidelines Section 15126.6(e) for evaluation of a no Project alternative.

Ability to Reduce Impacts: The No Project/No Build Alternative would not result in any changes to the existing conditions and no development would occur. As a result, this alternative would not require any of the mitigation measures that are included in the proposed Project as identified in Chapter 5 of the EIR. However, the environmental benefits of the Project would also not be realized, such as improvements to localized flooding, removal of contaminated soils, and improvements to housing availability within the region. The No Project/No Build Alternative would not install storm water filtration features in accordance with DAMP and LID design guidelines that would filter and slow the volume and rate of runoff which would reduce flooding; the contaminated soils would remain onsite; and this alternative would maintain an underutilized site that has the potential to provide housing within the region.

Ability to Achieve Project Objectives: As shown in Draft EIR Table 6-2, the No Project/ No Build Alternative would not meet any of the Project objectives. The site would not be redeveloped to construct single-family residential units, would not facilitate high-quality development that is compatible with the existing surrounding residential neighborhoods on underutilized parcels planned for residential development, or provide single-family homes that are compatible with the surrounding environment. Overall, this alternative would not meet any of the objectives of the proposed Project.

Finding: The County of San Bernardino finds that the No Project/No Build Alternative is infeasible based on several economic and social factors. The No Project/No Development Alternative would not redevelop the Project site to construct single-family residential units, would not facilitate high-quality development that is compatible with the existing surrounding residential neighborhoods on underutilized parcels planned for residential development, and would not provide single-family homes that are compatible with the surrounding environment. The No Project/No Build Alternative fails to meet any of the Project objectives and is rejected on that basis. Thus, the Board of Supervisors rejects the No Project/No Build Alternative on the following grounds, each of which provide a separate and independent basis for the rejection: (1) the No Project/No Build Alternative would not achieve any of the economic goals of the County with respect to redevelopment and re-utilization of the Project site; and (2) the No Project/No Build Alternative fails to meet any of the Project objectives.

Alternative 2: Reduced Project / Buildout of Existing Land Use and Zoning Alternative

Under this alternative, a reduction in the number of residential units would be built according to the existing Countywide Plan Designation of VLDR and zoning of RS-1, which would result in a lower density, increased setbacks and larger lots. Pursuant to the VLDR designation and RS-1 zoning, the Reduced Project/Buildout of Existing Land Use and Zoning Alternative subdivide the site consistent with existing Countywide Plan Designation of VLDR and zoning of RS-1 and would construct 13 residences at a rate of 1 dwelling unit per acre for the 13.35-acre site. Like the proposed Project, the residences would consist of single-story residences and would provide three architectural designs. This alternative would also include offsite improvements along Yorba and Francis Avenue, but due to size of the lots, would not include a pocket park and onsite private amenities such as turf play area, tot-lot, seating, barbecue area, bike racks, and park benches.

The buildout of the site per the Reduced Project/Buildout of Existing Land Use and Zoning Alternative would result in 32 fewer single-family residences compared to the proposed Project. Under this alternative, parking spaces would be provided at the rate of 5 spaces per residential unit for a total of 65 spaces.

This alternative would not require a Policy Plan Amendment or Zoning Map Amendment and would be consistent with the existing Land Use Designation of Very Low Density Residential (VLDR) and Zoning Designation of Single Residential 1-Acre Minimum (RS-1) for the site.

Ability to Reduce Impacts: The Reduced Project/Buildout of Existing Land Use and Zoning Alternative would reduce residential density on the site by 71 percent or by 32 residential units. With fewer units, this alternative would result in reduced light and glare from fewer residential structures, reduced construction noise from a shorter construction schedule and reduced operational noise from fewer residents and vehicles. While reduced, these impacts are less than significant without mitigation under both the alternative and the proposed Project. Furthermore, this alternative would require the same mitigation measures that are required for the proposed Project to reduce impacts to a less than significant level for biological resources, cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources. Overall, this alternative would not eliminate the need for mitigation.

Ability to Achieve Project Objectives: As shown in Draft EIR Table 6-2, the Reduced Project/Buildout of Existing Land Use and Zoning Alternative would meet most of the Project objectives, but not to the same extent as the proposed Project. This alternative would not meet the objective to ensure new residential development includes adequate open space and high-quality recreational amenities for future residents and would not meet the region's need for housing to the extent that the proposed Project would because residential units are reduced by 32 units and 71 percent.

Finding: The County of San Bernardino finds that the Reduced Project/Buildout of Existing Land Use Zoning Alternative is infeasible based on several economic and social factors. A key consideration for the County is to increase housing density and provide adequate open space and recreational opportunities. The Reduced Project/Buildout of Existing Land Use and Zoning Alternative would result in the construction of 32 fewer units and a reduction in open space and recreational amenity options for future potential residents. This alternative would result in reduced impacts related to light and glare from fewer residential structures, reduced construction noise from a shorter construction schedule and reduced operational noise from fewer residents and vehicles. However, this alternative would require the same mitigation measures that are required for the proposed Project to reduce impacts to a less than significant level for biological resources, cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources. This alternative would meet most of the Project objectives, but not to the same extent as the proposed Project. Thus, the Board of Supervisors rejects the Reduced Project/Buildout of Existing Land Use and Zoning Alternative on the following grounds, each of which provide a separate and independent basis for the rejection: (1) the Reduced Project/Buildout of Existing Land Use and Zoning Alternative reduces the density of the proposed Project by reducing the amount of development without eliminating the need for a similar level of mitigation and; (2) the Reduced Project/Buildout of Existing Land Use and Zoning Alternative fails to meet the Project objectives to the fullest extent.

Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that as part of the “no project” analysis if it is determined that the “no project” alternative is the environmentally superior alternative, “the EIR shall also identify an environmentally superior alternative among the other alternatives.”

The Environmentally Superior Alternative for the proposed Project would be the No Project/No Development Alternative. The Environmentally Superior Alternative among the other alternatives is the Reduced Project/Buildout of Existing Land Use and Zoning Alternative, which would involve redevelopment of the site with 13 single-family residences assuming the Project site would be subdivided.

Although some of the of less than significant impacts would be reduced under the Reduced Project/Buildout of Existing Land Use and Zoning Alternative in comparison to the proposed Project, this alternative would not eliminate any of the mitigation measures. In addition, it would reduce the housing onsite by 32 units and not meet the region's demand for housing to the same extent as the proposed Project. This alternative would meet most of the Project objectives, but to a lesser extent compared to the proposed Project.

CEQA does not require the County of San Bernardino to choose the environmentally superior alternative. Instead, CEQA requires the County to consider environmentally superior alternatives, weigh those considerations against the environmental impacts of the proposed Project, and make findings that the benefits of those considerations outweigh the harm. Here, the benefits of the proposed Project outweigh the harm of the Reduced Project/Buildout of Existing Land Use and Zoning Alternative and that is why it is rejected.

Chapter 4. Mitigation Monitoring and Reporting Program

4.1 Introduction

The California Environmental Quality Act (CEQA) requires a lead or public agency that approves or carries out a project for which an Environmental Impact Report has been certified which identifies one or more significant adverse environmental effects and where findings with respect to changes or alterations in the project have been made, to adopt a "...reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment" (CEQA, Public Resources Code Sections 21081, 21081.6).

A Mitigation Monitoring and Reporting Program (MMRP) is required to ensure that adopted mitigation measures are successfully implemented for the Yorba Villas Residential Project (Project). San Bernardino County is the Lead Agency for the Project and is responsible for implementation of the MMRP. This report describes the MMRP for the Project and identifies the parties that will be responsible for monitoring implementation of the individual mitigation measures in the MMRP.

4.2 Mitigation Monitoring and Reporting Program

The MMRP for the Project will be active through all phases of the Project, including design, construction, and operation. Table 4-1 identifies the mitigation program required to be implemented by the County for the Yorba Villas Residential Project. The table identifies the Regulatory Requirements (RRs) and Mitigation Measures required by San Bernardino County to mitigate or avoid significant adverse impacts associated with implementation of the Project, the timing of implementation, and the responsible party or parties for monitoring compliance.

The MMRP also includes a column that will be used by the compliance monitor (individual responsible for monitoring compliance) to document when implementation of the measure is completed. As Regulatory Requirements (RRs) and Mitigation Measures are completed, the compliance monitor will sign and date the MMRP, indicating that the required actions have been completed.

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**TABLE 4-1: MITIGATION MONITORING AND REPORTING PROGRAM
YORBA VILLAS RESIDENTIAL PROJECT EIR**

Regulatory Requirement / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
BIOLOGICAL RESOURCES			
<p>MM BIO-1: Nesting Birds. To the extent possible, construction activities (i.e., demolition, earthwork, clearing, and grubbing) within the Project site and offsite infrastructure areas, shall occur outside of the general bird nesting season for migratory birds, which is March 15 through August 31 for songbirds and January 1 through August 31 for raptors.</p> <p>If construction activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird nesting season for migratory songbirds (March 15 through August 31) and raptors (January 1 to August 31), a qualified biologist shall perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA and California Fish & Game Code. The pre-construction survey shall be performed no more than three days prior to the commencement of construction activities. The results of the pre-construction survey shall be documented by the qualified biologist. If construction is inactive for more than seven days, an additional survey shall be conducted.</p> <p>If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts within 300 feet (500 feet for raptors) of the active nest shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, or as determined by the qualified biologist. The biological monitor may modify the buffer or propose other recommendations in order to minimize disturbance to nesting birds.</p>	<p>In Design Plans and Specifications. Prior to Grading Permits</p>	<p>San Bernadino County Building and Safety Division and Certified Biologist</p>	
CULTURAL RESOURCES			
<p>MM CUL-1: Archaeological Resources: Prior to the issuance of the first grading permit, the Applicant shall provide a letter to the San Bernardino County Planning Division, or designee, from a qualified professional</p>	<p>In Construction Plans and Specifications. Prior to Grading Permits.</p>	<p>San Bernardino County Building and Safety</p>	

Regulatory Requirement / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>archeologist meeting the Secretary of Interior’s Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A stating that the archeologist has been retained to provide on-call services in the event archeological resources are discovered. The archeologist shall be present at the pregrading conference to establish procedures for archeological resource surveillance. In the event a previously unrecorded archaeological deposit is encountered during construction, all activity within 50 feet of the area of discovery shall cease and the County shall be immediately notified. The archeologist shall be contacted to flag the area in the field and shall determine, in consultation with the County and the Gabrieleño Band of Mission Indians Kizh-Nation, if the archaeological deposits meet the CEQA definition of historical (State CEQA Guidelines 15064.5(a)) and/or unique archaeological resource (Public Resources Code 21083.2(g)). If the find is considered a “resource” the archeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the County and the Gabrieleño Band of Mission Indians Kizh-Nation. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C). If unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage and treatment shall be required at the developer/applicant’s expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the archeologist. Resources shall be identified and curated into an established accredited professional repository. The archeologist shall have a repository agreement in hand prior to initiating recovery of the resource. Excavation as a treatment option will be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the Project.</p>			
GEOLOGY AND SOILS			

Regulatory Requirement / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>MM GEO-1: Paleontological Resources</p> <p>Prior to the issuance of the first grading permit, the Applicant shall provide a letter to the San Bernardino County Planning Division, or designee, from a paleontologist selected from the roll of qualified paleontologists maintained by the County, stating that the paleontologist has been retained to provide services for the Project. The paleontologist shall develop a Paleontological Resources Impact Mitigation Plan (PRIMP) to mitigate the potential impacts to unknown buried paleontological resources that may exist onsite for the review and approval by the County. The PRIMP shall require that the paleontologist be present at the pre-grading conference to establish procedures for paleontological resource surveillance. The PRIMP shall also require periodic paleontological spot checks if excavation reaches or exceeds depths of five feet in areas mapped as Quaternary alluvium.</p> <p>In the event paleontological resources are encountered, ground-disturbing activity within 50 feet of the area of the discovery shall cease. The paleontologist shall examine the materials encountered, assess the nature and extent of the find, and recommend a course of action to further investigate and protect or recover and salvage those resources that have been encountered.</p> <p>Criteria for discard of specific fossil specimens will be made explicit. If a qualified paleontologist determines that impacts to a sample containing significant paleontological resources cannot be avoided by Project planning, then recovery may be applied. Actions may include recovering a sample of the fossiliferous material prior to construction, monitoring work and halting construction if an important fossil needs to be recovered, and/or cleaning, identifying, and cataloging specimens for curation and research purposes. Recovery, salvage, and treatment shall be done at the Applicant's expense. All recovered and salvaged resources shall be prepared to the point of identification and permanent preservation by the paleontologist. Resources shall be identified and curated into an established accredited professional repository. The paleontologist shall have a repository agreement in hand prior to initiating recovery of the resource.</p>	<p>In Project Construction Plans and Specifications. Prior to Construction Permits.</p>	<p>San Bernardino County Building and Safety Division</p>	

Regulatory Requirement / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>PPP GEO-1: CBC Compliance. The Project is required to comply with the California Building Standards Code (CBC) as included in the County's Code as Chapter 63.01, to preclude significant adverse effects associated with seismic and soils hazards. As part of CBC compliance, CBC related and geologist and/or civil engineer specifications for proposed development on the Project site shall be incorporated into grading plans and building specifications as a condition of construction permit approval.</p> <p>PPP GEO-2: Prior to grading permit issuance, the project developer shall have a Stormwater Pollution Prevention Plan (SWPPP) prepared by a QSD (Qualified SWPPP Developer) pursuant to the County's Development Code Section 85.11.030. The SWPPP shall incorporate all necessary Best Management Practices (BMPs) and other County requirements to comply with the National Pollutant Discharge Elimination System (NPDES) requirements to limit the potential of polluted runoff during construction activities. Project contractors shall be required to ensure compliance with the SWPPP and permit periodic inspection of the construction site by San Bernardino County staff or its designee to confirm compliance.</p> <p>PPP GEO-3: Prior to grading permit issuance, the project developer shall have a Water Quality Management Plan (WQMP) approved by the County for implementation. The project shall comply with the County's Development Code Section 85.11.030 and the Municipal Separate Storm Sewer System (MS4) permit requirements in effect for the Regional Water Quality Control Board (RWQCB) at the time of grading permit to control discharges of sediments and other pollutants during operations of the project.</p>			
HAZARDS AND HAZARDOUS MATERIALS			

Regulatory Requirement / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>MM HAZ-1: Prior to issuance of a grading permit, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant and shall detail procedures and protocols for excavation and disposal of onsite hazardous materials, including:</p> <ul style="list-style-type: none"> • A certified hazardous waste hauler shall remove all potentially hazardous soils. Excavation of contaminated soils shall be to the depth of approximately 5 feet below the existing ground surface in areas identified in the Phase I and Phase II Environmental Site Assessment (Tetra Tech 2016). In addition, sampling of soil shall be conducted during excavation in the southern and western portions of the site, in areas identified in the Phase I and Phase II Environmental Site Assessment (Tetra Tech 2016), to ensure residential Regional Screening Levels are not exceeded. Excavated materials shall be transported per California Hazardous Waste Regulations to a landfill permitted by the state to accept hazardous materials. • Any subsurface materials exposed during construction activities that appear suspect of contamination, either from visual staining or suspect odors, shall require immediate cessation of excavation activities. Soils suspected of contamination shall be segregated from other soils to be tested for potential contamination. If contamination is found to be present per Environmental Screening Levels (ESLs), any further proposed groundbreaking activities within areas of identified or suspected contamination shall be conducted according to California Hazardous Waste Regulations. • A Health and Safety Plan (HSP) shall be prepared for each contractor that addresses potential safety and health hazards and includes the requirements and procedures for employee protection. The HSP shall also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction. 	<p>In Construction Plans and Specifications. Prior to Grading Permits</p>	<p>San Bernadino County Building and Safety Division</p>	

Regulatory Requirement / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<ul style="list-style-type: none"> All SMP measures shall be printed on the construction documents, contracts, and Project plans prior to issuance of grading permits. 			
HYDROLOGY AND WATER QUALITY			
<p>PPP HYD-1: National Pollutant Discharge Elimination System (NPDES). Projects will be constructed in accordance with the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, NPDES No. CAS000002. Compliance requires a risk assessment, a SWPPP, and associated BMPs.</p>	In Construction Plans and Specifications. Prior to Demolition, Grading, and Construction Permits	San Bernadino County Building and Safety Division	
<p>PPP HYD-2: Santa Ana RWQCB MS4 Permit. Projects will be constructed and operated in accordance with the Santa Ana RWQCB Municipal Stormwater (MS4) Permit for the part of the Santa Ana Basin in San Bernardino County in 2010 (Order No. R8-2010-0036). The MS4 Permit requires new development and redevelopment projects to adopt a WQMP to:</p> <ul style="list-style-type: none"> Control contaminants into storm drain systems Educate the public about stormwater impacts Detect and eliminate illicit discharges Control runoff from construction sites Implement BMPs and site-specific runoff controls and treatments 	In Construction Plans and Specifications. Prior to Demolition, Grading, and Construction Permits	San Bernadino County Building and Safety Division	
TRIBAL CULTURAL RESOURCES			
<p>Mitigation Measure CUL-1: Archaeological Resources, listed previously.</p>	In Construction Plans and Specifications. Prior to Grading and Construction Permits	San Bernadino County Planning Division and Building and Safety Division	

<p>Mitigation Measure TCR-1: Prior to commencement of any excavation activities, or the issuance of a grading permit and/or action that would permit site disturbance (whichever occurs first), the Project developer/applicant shall provide a letter to the San Bernardino County Planning Division, or designee, and retain a Native American Monitor from the Gabrieleño Band of Mission Indians Kizh-Nation to:</p> <ul style="list-style-type: none"> • Provide on-call services to address unanticipated prehistoric or tribal resources. The Native American Monitor shall be present at the pre-grading conference to establish procedures for tribal cultural resource surveillance. • Conduct a Native American Indian Sensitivity Training for construction personnel. The training session shall include a handout and focus on how to identify Native American resources encountered during earthmoving activities and the procedures followed if resources are discovered, the duties of the Native American Monitor of Gabrieleño Ancestry, and the general steps the Monitor would follow in conducting a salvage investigation. • Monitor all Project-related, ground-disturbing construction activities (e.g., pavement removal, auguring, boring, grading, excavation, potholing, trenching, and grubbing) of previously undisturbed native soils. The Native American Monitor(s) shall be present on-site during the construction phases that involve ground disturbing previously undisturbed native soils and shall complete monitoring logs on a daily basis. The logs shall provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The monitor(s) shall possess Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. The on-site monitoring shall end when the Project site grading and excavation activities of previously undisturbed native soils are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for tribal cultural resources. (**HAZWOPER certification is needed only if the site has hazardous concerns related to Mitigation Measure HAZ-1). 	<p>In Construction Plans and Specifications. Prior to Grading and Construction Permits</p>	<p>San Bernadino County Planning Division and Building and Safety Division</p>	
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<ul style="list-style-type: none"> • Consult on unanticipated discovery of human remains and associated funerary objects: <ul style="list-style-type: none"> ○ Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. If funerary objects are discovered during grading or archeological excavations, they shall be treated in the same manner as bone fragments that remain intact and the construction contractor and/or qualified archeologist shall consult with the Gabrieleno Band of Mission Indians – Kizh Nation (Tribe). ○ As specified by California Health and Safety Code Section 7050.5, if human remains are found on the Project site during construction or during archaeological work, the County Coroner’s office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98 The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard shall be posted outside of working hours. If the remains are Native American, the Tribe shall make every effort to recommend diverting the Project 			
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<p>and keeping the remains in situ and protected. If the Project cannot be diverted, it may be determined that burials shall be removed and the Project applicant/developer shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects, if possible. The Tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes 4 or more burials, the location is considered a cemetery and a separate treatment plan shall be created. The Project applicant/developer shall consult with the Tribe regarding avoidance of all cemetery sites. Once complete, a final report of all activities shall be submitted to the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.</p> <ul style="list-style-type: none"> ○ Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the Project site but at a location mitigated between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered. 			
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Regulatory Requirement / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities</p> <p>A. The Project Applicant/Developer shall retain a Native American monitor from (or approved by) the San Manuel Band of Mission Indians and the Gabrieleno Band of Mission Indians-Kizh Nation (“Tribes”). 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” includes, but is not limited to, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching. Monitors from the San Manuel Band of Mission Indians and the Gabrieleno Band of Mission Indians-Kizh Nation shall provide Native America monitoring services on a rotating basis.</p> <p>B. The Project Applicant/Developer shall provide documentation of its retention of a Native American monitor, as provided in Mitigation Measure TCR-1, to the County Planning Department (?) prior to the earlier of the commencement of any ground-disturbing activity for the project, or the issuance of any permit necessary to commence a ground-disturbing activity.</p> <p>C. The Project Applicant/Developer shall provide the Tribe with a minimum of 15 days advance written notice of the commencement of any project ground-disturbing activity so that the Tribe has sufficient time to secure and schedule a monitor for the project.</p> <p>D. The Project Applicant/Developer shall hold at least one pre-construction sensitivity/educational meeting prior to the commencement of any ground-disturbing activities, where at a senior member of the Tribe(s) will inform and educate the Project’s construction and managerial crew and staff members (including any Project subcontractors and consultants) about the TCR mitigation measures and compliance obligations, as well as places of significance located on the Project site (if any), the appearance of potential TCRs, and other informational and operational guidance to aid in the Project’s compliance with the TCR mitigation measures. The Native American Tribe(s)</p>	<p>In Construction Plans and Specifications. Prior to Grading and Construction Permits</p>	<p>San Bernardino County Planning Division and Building and Safety Division</p>	

Regulatory Requirement / Mitigation Measure	Timing	Responsible for Ensuring Compliance / Verification	Date Completed and Initials
<p>shall be notified of and allowed to attend the pre-grading meeting with the County and Project construction contractors and/or monitor all Project mass grading and trenching activities. In the event that suspected tribal cultural resources are unearthed, the Native American Tribe(s) shall have the authority to redirect earth moving activities in the affected area.</p> <p>E. 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.</p> <p>F. Native American monitoring for the Project shall conclude upon the latter of the following: (1) written confirmation from a designated Project point of contact to the Tribe representatives that all ground-disturbing activities and all phases that may involve ground-disturbing activities on the project site and at any off-site Project location are complete; or (2) written notice by the Tribe to the Project Applicant/Developer and the County Planning Department that no future, planned construction activity and/or development/construction phase (known by the Tribe at that time) at the Project site and at any off-site project location possesses the potential to impact TCRs.</p> <p>G. Any and all archaeological or cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the Project Applicant/Developer and the County Planning Department for dissemination to the San Manuel Band of Mission Indians and the Gabrieleno Band of Mission Indians-Kizh Nation. The County Planning Department and/or Project Applicant/Developer shall, in good faith, consult</p>			

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with both Tribes until all ground disturbing activities of the Project are completed.			