



Interoffice Memo

DATE: December 5, 2024

PHONE: 909-387-4002

FROM: **OLIVER MUJICA, CONTRACT PLANNER III**
Land Use Services Department

TO: Honorable Planning Commission

SUBJECT: **AGENDA ITEM # 2: AMENDED CONDITIONS OF APPROVAL**

The purpose of this Interoffice Memo is to:

1. Inform the Planning Commission that the Conditions of Approval (Exhibit D) have been amended since the circulation of the Staff Report. The Conditions of Approval have been updated to add conditions from the Land Development Division that were inadvertently omitted and to re-number the existing Conditions of Approval as needed. The added conditions from the Land Development Division are listed as Condition Nos 30-35, 43-50, 69-75, and 96-100 as shown below:
 - 30 **Additional Drainage Requirements** - Status: Outstanding
In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
 - 31 **BMP Enforcement** - Status: Outstanding
In the event the property owner/"developer" (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by the County Department of Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or "developer", including administrative costs, attorney's fees, and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.
 - 32 **Continuous BMP Maintenance** - Status: Outstanding
The property owner/"developer" is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved final Water Quality Management Plan (WQMP) for the project. Refer to approved WQMP maintenance section.
 - 33 **Erosion Control Installation** - Status: Outstanding
Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

- 34 **Project Specific Conditions** - Status: Outstanding
Endangered Plants. Compliance with Section 88.01.070 Mountain Forest and Valley Tree Conservation is required. Provide a plant protection plan or removal plan prepared by a licensed biologist to be approved by the County LUS. Per the County General Plan Environmental Impact Report, provide a biological report and associated plan (uploaded as a separate attachment in the EZOP record) that shows any protected species including plant species with stems two inches or greater in diameter or six feet or greater in height. See related links: <https://countywideplan.com/resources/document-download/> https://countywideplan.com/wp-content/uploads/sites/68/2021/01/CWP_PolicyPlan_HardCopy_MainText_Tables_2022_Sept_Adopted.pdf?x23421
https://codelibrary.amlegal.com/codes/sanbernardino/latest/sanberncty_ca/0-0-0-175787
- 35 **Tributary Drainage** - Status: Outstanding
Adequate provisions should be made to intercept and conduct the tributary off-site and on-site 100-year drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed. The project site shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions.
- 43 **FEMA Flood Zone** - Status: Outstanding
The project is located within Flood Zone X-Unshaded according to FEMA Panel Number 06071C8653J dated 9/05/2016. No elevation requirements.
- 44 **NPDES Permit** - Status: Outstanding
An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. www.swrcb.ca.gov
- 45 **Regional Board Permit** - Status: Outstanding
Construction projects involving one or more acres must be accompanied by Regional Board permit WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.
- 46 **Drainage Improvements** - Status: Outstanding
A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site 100-year drainage flows around and through the site in a safe manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$750 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
- 47 **Grading Plans** - Status: Outstanding
Grading and erosion control plans shall be prepared in accordance with the County's guidance documents (which can be found here: <https://lus.sbcounty.gov/land-development-home/grading-and-erosion-control/>) and submitted for review with approval obtained prior to construction. All drainage and WQMP improvements shall be shown on the

grading plans according to the approved final drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.

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

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

49 **WQMP** - Status: Outstanding

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

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

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

69 **Construction Permits** - Status: Outstanding

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

70 **Encroachment Permits** - Status: Outstanding

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

71 **Road Dedication/Improvements** - Status: Outstanding

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: Live Oak Avenue (Secondary Highway – 88 feet) • Road Dedication. A 14-foot grant of easement is required to provide a half-width right-of-way of 44 feet. • Street Improvements. Design curb and gutter with match up paving 32 feet from centerline with a minimum 64-foot paved section within a 88-foot right-of-way. • Sidewalks. Design sidewalks per County Standard 109 Type “C”. • Curb Returns. Curb returns shall be designed per County Standard 110. Adequate easement shall be provided to ensure any future sidewalk improvements are within public right-of-way. • Driveway Approach. Design driveway approach per County Standard 129B and located per County Standard 130.

- 72 **Road Standards and Design** - Status: Outstanding
All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Valley Road Standards of San Bernardino County and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
- 73 **Street Type Entrance** - Status: Outstanding
Street type entrance(s) with curb returns shall be constructed at the entrance(s) to the development.
- 74 **Transitional Improvements** - Status: Outstanding
Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing sections shall be required as necessary.
- 75 **Utilities.** - Status: Outstanding
Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.
- 96 **Drainage Improvements** - Status: Outstanding
All required drainage improvements shall be completed by the applicant. The private Registered Civil Engineer (RCE) shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.
- 97 **WQMP Improvements** - Status: Outstanding
All required WQMP improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works. An electronic file of the approved final WQMP shall be submitted to Land Development Division, Drainage Section.
- 98 **Streetlights** - Status: Outstanding
This project lies within the streetlight district boundary of County Service Area Zone SL-1. Due to the projected use of the property, streetlighting may be required. If this project requires streetlights as conditioned by San Bernardino County Department of Public Works Special Districts Streetlighting Section, streetlight plans will be submitted directly to Special Districts, but all streetlights must be show on the street improvement plans submitted to Land Development. Please contact (909) 386-8821 for requirements or for additional information.
- 99 **LDD Requirements** - Status: Outstanding
All LDD requirements shall be completed by the applicant prior to occupancy.
- 100 **Road Improvements** - Status: Outstanding
All required on-site and off-site improvements shall be completed by the applicant and inspected/approved by the County Department of Public Works.

An updated copy of the conditions of approvals as noted above are attached for your consideration.

Attachment:

1. Conditions of Approval