



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 # 3: 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 29-36, 48-56, 69-77, and 100-106 as shown below:

29 **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.

30 **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.

31 **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.

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

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

- 33 **Joshua Trees** - Status: Outstanding
Any land disturbance shall be kept at least 40 feet away from any Joshua tree in order for the design to be acceptable. If the proposed land disturbance is within 40 feet of a Joshua tree, then the applicant will need to submit a survey by a licensed arborist to verify that the proposed design will not detrimentally affect the tree. For all applications, plot plans must show the location of all Joshua trees on a parcel. <http://www.sbcounty.gov/Uploads/LUS/BandS/Handouts/IB-0016.pdf>
- 34 **Project Specific Conditions** - Status: Outstanding
Endangered Desert Plants. Compliance with Desert Native Plants Act. Removal actions of all plants protected or regulated by the Desert Native Plants Act (Food and Agricultural Code §§ 80001 et seq.) shall comply with the provisions of the Act before the issuance of a development permit or approval of a land use application. 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 including but not limited to those listed in: § 88.01.060 Desert Native Plant Protection. 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/0-0-0-175924
- 35 **Recreational Vehicle Requirements** - Status: Outstanding
Any RV stored within a 100-year floodplain for a natural watercourse shall be of a “temporary” nature. An RV is only considered temporary if it meets all of the following criteria: i) built on a single chassis, ii) 400 square feet or less, iii) designed to be self-propelled or permanently towable by a light duty truck and, iv) designed for temporary uses like recreation, camping, travel, and seasonal. If a vehicle meets these criteria as a “temporary” RV and is onsite for fewer than 180 consecutive days or must be fully licensed and ready for highway use, then no floodproofing is required. Otherwise, the RV shall be floodproofed to meet the elevation, anchoring and erosion protection requirements of a manufactured home in a 100-year floodplain and adequate drainage paths shall be provided around the RV.
- 36 **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.
- 48 **FEMA Flood Zone** - Status: Outstanding
The project is located within Flood Zone AO according to FEMA Panel Number 06071C6450H dated 8/28/2008. The first floor will be required to be elevated a minimum 1 foot above the known shallow flooding depth of 1 foot in compliance with FEMA/SBC regulations, with an elevation certificate required. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of grading permit.

- 49 **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
- 50 **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.
- 51 **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.
- 52 **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.
- 53 **On-site Drainage Easement** - Status: Outstanding
On-site flows shall be directed within a drainage easement.
- 54 **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.
- 55 **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/>)

- 56 **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 **Elevation Certificate** - Status: Outstanding
Elevation Certificate. An Elevation Certificate for the structure(s) shall be completed, approved, and on file with County Building and Safety. Elevation Certificate #1: Prior to approval of building plans – Elevation certificate requires review and approval from Land Development.
- 70 **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.
- 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: Warbler Road (Local – 60 feet) • Street Improvements. Design curb, gutter and paving to the nearest existing curb, gutter and paving on Warbler Road per County Standard 111, 18 feet from centerline with a minimum 26-foot paved section within a 60-foot right-of-way. • Sidewalks. Design sidewalks per County Standard 109 Type “C” to the nearest existing sidewalk on Warbler Road. • 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 entire cul-de-sac shall be designed to County Standard 120.
- 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 Mountain Desert 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 **Slope Tests** - Status: Outstanding
Slope stability tests are required for road cuts or road fills per recommendations of the Geotechnical Engineer to the satisfaction of the County Department of Public Works.
- 74 **Soils Testing** - Status: Outstanding
Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to the County and

a written report shall be submitted to the Permits/Operations Support Division, Transportation Permits Section of the County Department of Public Works prior to any placement of base materials and/or paving.

- 75 **Street Gradients** - Status: Outstanding
Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of the County Department of Public Works confirming the adequacy of the grade.
- 76 **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.
- 77 **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.
- 100 **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.
- 101 **Elevation Certificate** - Status: Outstanding
An Elevation Certificate for the structure(s) shall be completed, approved, and on file with County Building and Safety. Elevation Certificate #2: Prior to forms and footings inspection – Elevation certificate requires review and approval from Land Development. Elevation Certificate #3: Prior to final inspection – Elevation certificate requires review and approval from Land Development.
- 102 **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.
- 103 **LDD Requirements** - Status: Outstanding
All LDD requirements shall be completed by the applicant prior to occupancy.
- 104 **Phased Projects** - Status: Outstanding
Projects within any phase of a phased project shall have all required on-site and off-site public road and drainage improvements required for such a phase sufficiently completed by the applicant and inspected/approved for construction of that phase prior to final inspection or occupancy for any buildings or other structures in that phase. The term “phase” as used here shall mean the following: “The block of building permits drawn on less than the whole project” or “A plan of building construction which indicates blocks of construction of less than the whole project.” In each phase, the installation of any on-site or off-site public road improvements shall be sufficiently completed so as to assure protection from storm or drainage runoff, a safe and drivable access

for fire and other emergency/safety vehicles, and the ordinary and intended use of the buildings or structures. The Building Official, with the concurrence of the Land Development Division, may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.

105 **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.

106 **Structural Section Testing for non-CMRS roads connecting to CMRS road** - Status: Outstanding

A thorough evaluation of the structural road section, to also include parkway improvements, from a qualified materials engineer shall be submitted to the County Department of Public Works.

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

Attachment:

1. Conditions of Approval